This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

+ *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.

+ *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.

+ *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.

+ *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at `http://books.google.com/`

The Trial of . . . . .

Scott Nearing

and THE AMERICAN SOCIALIST SOCIETY

New York
The Rand School of Social Science

The Trial of

SCOTT NEARING

and

THE AMERICAN SOCIALIST SOCIETY

Presiding Judge—JULIUS M. MAYER

ATTORNEYS:—

For the Government	*For the Defense*
EARL B. BARNES	SEYMOUR STEDMAN *of Chicago*
	S. JOHN BLOCK *of New York*
	WALTER NELLES *of New York*
	I. M. SACKIN *of New York*

STANFORD LIBRARY

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

New York City
February 5th to 19th, 1919

Copyright 1919
by The Rand School of Social Science
New York City

271817

STANFORD LIBRARY

Strathmore Press, Inc.
New York City

Introduction

The printed record of Scott Nearing's trial is of genuine value, not only because of the defendant's lucid exposition of the philosophy of Socialism, but also because it presents an authentic record of an American political trial. In the venerable court room of the United States District Court, in the City of New York, a prominent Socialist, a scholar and writer, was on trial, ostensibly on the charge of a grave felony. For days he spoke to twelve men "good and true," his fellow citizens chosen to pass judgment on his guilt or innocence, and to a judge officiating as the representative incarnate of the austere majesty of American law. He spoke technically in his own defense. But he did not defend himself. His personal conduct and motives, his personal interest and fate were barely touched on. They were the merest incidents of the trial. It was of larger and more vital things that Scott Nearing spoke. He told of the wrongs and sufferings of the world of labor, and exposed the organized crime of its oppressors. With uncontrovertible facts and figures and irresistible logic he arraigned the ruling classes of all countries as the authors responsible for the ruin of Europe and the misery of the world. He spoke of the aspirations and ideals of the submerged masses of the people everywhere, and of their determined struggles to redeem mankind from the age-long horrors of oppression and slaughter. He expounded the gospel of International Socialism under the solemn sanction of the formal oath and under the partial guidance of the prosecuting attorney and the presiding judge. He proved the red creed of human

brotherhood in accordance with all the technical requirements of legal procedure.

The trial of Scott Nearing was but one of many similar performances enacted in the courts of the United States during the war and—after it. The trials of Eugene V. Debs, Rose Pastor Stokes and Kate Richards O'Hare; of Victor Berger, Adolph Germer and other officials of the Socialist Party; of Max Eastman and his co-workers on the staff of the "Masses"; the wholesale trials of the I. W. W. leaders, were all in principle identical with that of Scott Nearing, and it was largely fortuitous that the latter was acquitted, while all the former were convicted and sentenced to savagely heavy prison terms.

Not a single enemy agent was convicted under the provisions of the so-called Espionage Law, which was ostensibly enacted to cope with the operations of the German spy system in the United States during the war, but more than one thousand prosecutions were initiated under that act against radicals and pacifists. And yet Thomas W. Gregory, the U. S. Attorney General responsible for the prosecutions, solemnly and seriously asserts that the persons so tried and convicted are "in no sense political prisoners." If the term "political prisoner" as distinguished from the common criminal convict denotes a person jailed for the offense of holding and expressing political, social or economic views opposed to those of the party in control or classes in power, then the numerous persons convicted individually and "en bloc" in political, economic and religious groups, under the Espionage Law and now held in federal prisons, are beyond cavil and quibble political prisoners, and the prosecutions instituted under that act were and are political trials.

To judge from all indications these trials are only the harbingers of an era of systematic governmental

persecution of all radical opinion and radical movements in the United States. Even before the sinister Espionage Law has ceased to serve its purpose, new laws, more candid and more drastic are proposed in order to stifle the voice of the rising working class rebellion, and where there is no convenient statute to cover the persecution of radical dissenters with even the most flimsy cloak of legality, our authorities national and local, have shown little hesitancy in substituting arbitrary might for legal warrant. In the capitalist soviets of America the dictature of the bourgeoisie reigns supreme.

The era of wholesale and relentless persecution is neither unexpected nor entirely unwelcome to the Socialists of the United States. It is an unavoidable phase of historic development through which the Socialist movement of every advanced country has had to pass. It marks a point in the growth of the proletarian sentiment of revolt which strikes the ruling classes mad with fear and drives them to unreasoned and frantic efforts to strangle an irresistible social and intellectual tide by sheer brute force and physical violence. Such persecutions eventually collapse in the inevitable reaction which they are bound to produce against their own excesses. Their effect on the Socialist movement is of infinite value in purifying, unifying and extending the movement.

It is only a few decades since the government of the autocrat of all Russia afforded the young and idealistic Socialist propagandists of his empire the opportunity to preach the gospel of the Social revolution through the medium of the famous political mass trials of the seventies of the last century, and since he adopted the policy of "crushing" Socialism by hanging, exiling and imprisoning the Socialists.

It is barely a generation since the German Imperial

Government under the leadership of the Iron Chancellor inaugurated the twelve-year governmental campaign for the suppression of Socialist propaganda through the action of the courts and of the police.

Today the Romanoffs and the Hohenzollerns have been swept into oblivion and their political, industrial and military junkers shorn of their power. In Russia the proletariat governs, and in Germany the contest for the control of the former Empire lies solely between the Socialists of the different schools.

And now it is capitalist America that is undertaking the hazardous task of destroying Socialism by force, plunging into the adventure with all the enthusiasm of boundless ignorance, with all the ruthlessness of blinded hate and with defiant heedlessness of the warnings of the past.

Verily the rulers can never learn the lessons of history.

MORRIS HILLQUIT.

Saranac Lake, March 12, 1919.

The Indictment

Scott Nearing and the American Socialist Society were indicted by a Federal Grand Jury in the District Court of the United States for the Southern District of New York in April, 1918. They were not tried until February, 1919. The indictment contained four counts. The first count charged that, while the United States was at war with the Imperial German Government, the defendants unlawfully conspired to violate the provisions of Section 3 of Title 1 of the act of Congress, approved on June 15th, 1917, commonly known as the Espionage Law, by unlawfully agreeing to cause and attempt to cause insubordination, disloyalty, mutiny and refusal of duty in the military and naval forces of the United States through the publication of the pamphlet known as "The Great Madness." The second count of the indictment charged that the defendants conspired unlawfully and wilfully to obstruct the recruiting and enlistment service of the United States by the publication of said pamphlet. The third count charged the defendants with attempting to cause insubordination, disloyalty, mutiny and refusal of duty in the military and naval forces of the United States by the publication of the said pamphlet. And the fourth count charged the defendants with unlawfully obstructing the recruiting and enlistment service of the United States by the publication of the pamphlet.

The Jury

Thursday morning, February 6th, found the Federal court room on the third floor of the old Post Office Building filled with the talesmen from among whom the Jury was to be selected. The members of the tale were characteristic jurors; men of the type that have been trying Espionage Act cases all over the United States.

They were for the most part old, retired, comfortable men,—men who had been well treated by life. Most of them had struggled, but successfully. They had won out in the brutal melee of industrialism and by rising from its depths they had escaped many of its worst consequences.

Thirty talesmen in all were examined in picking the jury. The first was about 70 years of age; the second about 55; the third about 50; and the fourth about 65; the fifth gave his age as 38; the sixth gave his as 55; the seventh was about the same age; the eighth gave his age as 59; the ninth stated his age as 38; the tenth as 65; the eleventh as 60. These men were typical as far as one could judge of the entire panel.

Most of the talesmen were foreign born and the group contained a surprisingly large proportion of Germans and Austrians. Among the first thirteen talesmen examined seven were born in Germany or in Austria. One of the talesmen came from Posen; another from Scotland; a third from Berlin.

The talesmen examined were business men—active and retired. Not a single wage-earner appeared among the first thirty names drawn. The first talesman examined was a real estate dealer; the second

was a corporation official; the third was a diamond merchant; the fourth a retired merchant; the fifth a steel contractor; the sixth a repairer of organs; the seventh a retired grocer; the eighth, retired; the ninth, a corporation official; the tenth, a retired merchant; the eleventh, a retired jobber in foreign merchandise; the twelfth, a real estate man; the thirteenth, a manufacturer of laces and embroidery; the fourteenth, an electrical jobber; the fifteenth, a retired contractor. The list ran on in this way throughout the entire thirty.

All of the talesmen, except two, expressed an utter ignorance of Socialism and displayed a disinclination to political action, which was truly astonishing. Talesman Number 1, born in Scotland, stated that he had "never voted in his life." Others voted but took no interest in politics. A few were able to name the candidates at the last election.

Most of the talesmen examined had heard of Socialism. One of them had read a dozen copies of the New York Call. One or two of them had read, casually, articles or books on Socialism. The member of the tale who had read the Call on various occasions was challenged by the Prosecution, which apparently regarded him as unfitted to sit on such a case.

Every member of the tale who was examined, stated that he favored the entrance of the United States into the war. All of the members were likewise in favor of conscription as a method of raising an army, although one or two were not particularly enthusiastic on the subject of the draft. One answered that he was in favor of conscription, but added "I don't believe in having anything to do with it myself." Another one stated, "As long as no one wanted to enlist that was the only way to raise an army." Barring such slight expressions of opinion, the sentiment of the Jury

on this subject was unanimous.

After two days during which thirty persons were examined the Jury was completed. It was constituted as follows:

1. Irving D. Zimmer, 55 years of age, born in New York; a salesman for malted extracts. Mr. Zimmer, who had a daughter in the service stated, "I would have liked to keep out of it (the war) if we could, but I did not see any way to keep out of it." He was "not interested" in politics. To the question, "Have you any near friends or relations, who happen to be Socialists?" he answered "No." Mr. Zimmer stated that he owned some bonds.

2. Stanley R. Ketchem, about 50 years of age; was born in the United States. He was officially connected with the Lackawanna-Wyoming Transit Co., the Carolina-Tennessee Power Co., the Caroline Construction Co., the Union Metallurgical Co.

3. Gustave Gumpertz, retired, was formerly a manufacturer of clothing. He had been retired for three years. One of his sons had volunteered for the service. Mr. Gumpertz was born in Alsace. He had been in the United States for over 60 years.

4. Joseph Hecht, a steel contractor, 38 years of age, had been associated with the National Iron and Steel Co., for fifteen years. His company had had some war contracts. Mr. Hecht was born in Austria, and stated that he had read nothing on Socialism.

5. Samuel R. Welser, retired, was formerly a contractor for electrical and metal work. Mr. Welser was American born of American parents, and had lived in New York for 40 years. He was about 60 years of age. Asked about his property holdings, he replied that he owned some stock. Asked whether they were war stocks, he replied, that "there has been no increase in dividends." During the war he was an active

worker in the Red Cross.

6. William Edebohls, a retired grocer, born in Germany, had been in the United States for over 40 years. Mr. Edebohls was about 60 years of age. When asked about the declaration of war he answered, "At the time I did not think anything of it." A son was working in the Brooklyn Navy Yard. Like the other members of the panel, he had read little or nothing about Socialism.

7. Sam Gordon, an importer and exporter of merchandise, born in Russia and about 55 years of age. When asked as to his reading, Mr. Gordon promptly replied, "The Times and the Journal of Commerce."

8. Alfred W. Trotter, a civil and construction engineer for more than 40 years; president of a building company; born in the United States; 63 years of age. Mr. Trotter was a veteran of the Seventh Regiment; had read very little about Socialism, but professed an interest in it. He stated it as his opinion that Socialism would not work "because it was against human nature." He added, that he would be interested to hear an exposition of the Socialist philosophy.

9. Solomon Marcus, a retired merchant; 65 years of age; born in Russia; had been in the United States since 1868. When asked as to his reading he answered, "I don't read books."

10. Albert W. Walburn, retired, was president and treasurer of a foundry and machine shop; about 60 years of age. Mr. Walburn read the Tribune and the Post regularly. He was interested in Socialism in a casual way and had read one of Walling's books. He could not remember the title. He was the only member of the Jury who stated that he had read a book on the subject of Socialism. Mr Walburn was born in Pennsylvania and acted as a draft board registrar during the war.

11. Isaac Anhalt, a diamond broker of about 50 years of age. He had read nothing about Socialism; was interested in the war and believed in conscription. Mr. Anhalt was of German birth.

12. P. R. De Bracke, secretary of a chemical corporation and stockholder of the same corporation. Mr. De Bracke was born in Paris, and knew "very little" about Socialism. In answer to the question, "Have you any Socialist friends?" he replied, "No." Mr. De Bracke stated his age as 38.

The Government's Case

MR. BARNES: May it please your Honor, Mr. Foreman and gentlemen of the jury, . . . the real issue that you have to decide is not whether these defendants are right in their economic theories, or whether they are wrong. It does not make any difference. The question is whether what they did was done with a purpose which the law forbids.

This indictment was filed in the month of May, 1918, and brought, as are all indictments, by the grand jury of the United States District Court. It is founded upon one of the great war statutes that were enacted by Congress shortly after the entrance of this country into the war. It is filed upon a statute which is popularly known as the Espionage Act, and which among other things was enacted by Congress for the purpose of insuring a successful raising of an army, and for the purpose of preventing any obstruction, or any effort made to impair the loyalty or the obedience or the discipline of the army, or to demoralize it in any way, shape or form.

On April 6, 1917, you will recall, Congress declared that a state of war existed between this country and Germany, and thereafter it took certain steps to insure not only the vigorous prosecution of that war, but a successful termination.

The first thing needed after a war is declared is money. The next thing is men. The next thing, of course, is ships and equipment.

As you will recall, immediately after the war was declared, provisions were made for raising money, and the first Liberty loan was authorized, and then

in the middle of May, 1917, was passed the act known as the Selective Service Act, also commonly called the Conscription Act, although the act is more properly designated as a selective service act than as a conscription act, and that act provided two ways for raising an army, one by the process of selective service, the taking of those men who could be spared, between the ages of 21 and 30, and the other way, and a way, however, which it is very important for you to bear in mind in this case, was for the raising of an army by voluntary enlistment, by taking men who did not wait for the draft, but men who voluntarily came forward to offer their services, and their lives, if necessary, for the prosecution of the war.

That was May, 1917, that that law was passed, May 18, the law authorizing the raising of the army. On June 15, 1917, there was passed the Espionage Act, the act which we have to consider in this prosecution. That act is the one upon which this indictment is based.

The persons against whom this indictment is found are two, one of them a natural person, like you and I, and the other a corporation. So that while we see at the defendants' table here only one person in the flesh, you must remember always there is on trial here before you a corporeal body, an organization created by the laws of the State of New York, which has been indicted, and which has duly pleaded, and which is duly represented by counsel.

The individual is Mr. Scott Nearing, a gentleman who has been a member of the faculty of the University of Pennsylvania, and of Toledo. He has been a lecturer and a writer upon economic subjects.

The corporation is The American Socialist Society, and that is not to be confused with the Socialist Party, which is a political organization, although we shall

show you that no one may be a member of The American Socialist Society, this defendant, unless he is a believer in the general doctrines of the Socialist Party.

This corporation runs, among its activities, a school called The Rand School of Social Science, which occupies a building on 15th Street in this City, which I believe is called the People's Home, and this school is devoted, among other things, to the teaching and propagation of the theories of the socialist movement.

So please remember now and at all times that there is before you on trial two persons—one the individual and the other the corporation.

The sections or provisions of the Espionage Act upon which this indictment is based are Sections 3 and 4, and the first title, and the material parts of those sections which are concerned in this prosecution are as follows:

"Whoever, when the United States is at war, shall wilfully cause or attempt to cause insubordination, disloyalty, mutiny or refusal of duty in the military or naval forces of the United States, or shall wilfully obstruct the recruiting or enlistment service of the United States, to the injury of the service, or of the United States, shall be punished by a fine of not more than $10,000 or imprisonment for not more than twenty years, or both."

And this Section 4 provides that if two or more persons conspire to violate the provisions of Sections 2 and 3 of this title, and what I just read to you was in Section 3, and one or more of such persons does any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be punished as in said sections provided.

In other words, there are two offenses made by the statute, or three, practically, that we are here concerned with.

One is the attempt to cause disloyalty, insubordination, mutiny or refusal of duty in the military or the naval forces of the country.

The second is obstructing the recruiting or enlistment service of the United States, and the third is conspiring to effect those objects.

You will notice that the penalty is one of very wide scope. It is a punishment and a fine of not more than $10,000. In other words, the fine may be imposed from one dollar up to the limit of $10,000, or imprisonment for not more than twenty years. In other words, if a verdict of guilty should be found, the court would have the discretion to impose a sentence of from one day in the custody of the Marshal up to as high as twenty years.

This charge in this case concerns itself with the publication, the writing, and the distribution of a pamphlet consisting of some 44 pages called "The Great Madness. A Victory for the American Plutocracy."

It is claimed by the Government, and I think will be conceded, that Mr. Scott Nearing is the author of the pamphlet, and that it was published by and distributed by The Rand School of Social Science, which, as I have pointed out, was an activity of the defendant, The American Socialist Society.

The Government claims that when Mr. Nearing and The Rand School collaborated in the writing and the publication and the distribution of this pamphlet, that they were acting together in a concerted plan to effect a particular purpose. That is, they were both acting together in concert, the one to write, the other to publish and distribute.

The Government claims that this pamphlet was an obstruction to the recruiting and enlistment service of the United States, and that it was published and dis-

tributed, with the intention, in the minds of Mr. Nearing and of the Society, if the Society may have a mind —but it was done with the intention of obstructing the recruiting and enlistment service of the United States, and with the intention of creating among our soldiers a spirit of disloyalty and insubordination sufficient to amount to an attempt, practically, to cause disloyalty and insubordination and refusal of duty among our soldiers.

Now, by obstruction, as I understand the law, we do not mean necessarily the successful obstruction— we do not mean necessarily that any one man read this book and decided that he would not obey the draft, or that he would not enlist. It is not necessary, it is not practicable for the Government to go out and find men who would come here on the stand and say, "Yes, I read this particular book, and it persuaded me not to enlist," or "It persuaded me to attempt to evade the draft," or "It persuaded me not to register for the draft."

And by recruiting and enlistment service, we do not mean exclusively the draft, but we mean all those agencies of the Government which are used and employed in getting men to go into the army.

The Government will claim that the recruiting and enlistment service embraces the appeal to the heart that every citizen has, the feeling that every citizen has, to fly to the defense of his country, and to enter its service, and to give his all for the successful prosecution of a war, when it once has declared that war.

In other words, the recruiting and enlistment service is everything, practically, that we have, both the organized and instinctive natural appeal to men who are citizens of a country to rally to its defense, to rally to its colors, and to take their part in accomplishing the objects for which it enters a war.

It will be claimed by the government that this pamphlet is an obstruction of those appeals, and that it was designed and intended to dull the enthusiasm, and that it was designed and purposed and intended to persuade its readers that this was not a war for which they should be prepared to offer their services to the government. That it was a war which did not concern them, a war in which their own true interests would be best consulted by keeping out of, themselves.

It is that sort of an obstruction to the recruiting and enlistment service that the Government will contend was caused by the particular pamphlet.

It will also be claimed and we will attempt to show that from the statements and the arguments in this pamphlet, distributed as it was at a time when the draft was in course of operation; at a time when you would meet your neighbor on the street in civilian clothes, and he would tell you he had registered, and he expected to be called shortly—it was distributed at that time, that it was intended to cause those people when they became soldiers to be disloyal and insubordinate, and that the statements therein contained are calculated—that statements of that character are calculated to make soldiers who would not be the loyal and brave men that we wanted and that Congress wanted in the army.

It is not contended by the Government that there was any formal meeting between Mr. Nearing and the directors of the American Socialist Society, at which a resolution was passed that they would formally conspire together to obstruct the raising of the army and so forth. It is claimed, though, that they were working together with a common object, using a common means to accomplish this end, which Congress has made a crime.

Now, we will show that the pamphlet was written

by Mr. Nearing in the summer of 1917, after war had been declared, and after the Selective Service Act was passed, and after the Espionage Act was passed.

We will prove that there were two editions published, each edition consisting of ten thousand copies, and that it was distributed all over the United States by the Rand School of Social Science, through its book store called the Rand Book Store, which it maintained.

The hardest point always in any case of this kind is proving the intent, proving what is in the mind of a man when he does a particular act. That, of course, as you can see, is something that is not capable of photographic proof. We have no means yet of taking a photograph of a man's mind to determine just what he intended when he did a thing, so we have to resort to certain rules, and certain lines of evidence which will be resorted to in this case.

First, the ordinary rule that a man is presumed to intend natural ordinary and reasonable consequences of what he says and does.

Then we may look at and we will look at other statements, other publications made by these defendants at or about the time that this pamphlet was being published and distributed, because that may give us a line on what they had in mind at the time they were doing this—their other activities.

Then we shall endeavor to show the fact that Mr. Nearing and the defendant, The American Socialist Society, at this time were acting under the inspiration of a declaration of a war policy adopted at a convention of the Socialist Party held in St. Louis in April, 1917, and ratified thereafter by a referendum of the party.

We have asked and you have heard a great many questions of you gentlemen with regard to socialism and socialists. Now, of course, you understand nobody is being prosecuted because he is a Socialist.

That would be abhorent to our Constitution, and to our conception of justice, to yours and to mine or to anyone's, but we are interested in the belief and doctrine of these people and the acceptance of the Socialist principles, if it throws any light upon what they intended at the time they printed and distributed this pamphlet, and it is for that reason that we shall look at what was the well defined or the defined and accepted war policy of the Socialist Party, by reason of the fact that these people are Socialists, and that they did accept it.

We will show you that Mr. Nearing became an enrolled Socialist in the month of July, 1917, whereas this war platform was adopted, the majority report—in April, 1917, and that Mr. Nearing then became a Socialist, and we shall show you that the two of the committee that adopted this particular war platform, were directors of The American Socialist Society.

So that we will then feel that we are entitled to look at this war platform to see what it pledges the Socialist Party to do in connection with the war, as throwing light upon what Mr. Nearing and the American Socialist Society had in mind when they did make this publication.

Now, Mr. Stedman, of course, has very properly said to you that because a man is opposed to a tariff, you do not necessarily believe that a man is a smuggler, and because a man is opposed to national prohibition, you do not brand him as running a blind pig.

MR. STEDMAN: Now, you see, Judge, they do know that term here. Even the District Attorney knows it.

THE COURT: He learned it from you.

MR. BARNES: I thought when you first used the term "blind pig", that that was a term of opprobrium for capitalists.

MR. STEDMAN: We have better ones than th[illegible] for capitalists.

MR. BARNES: But, gentlemen, if you find a m[illegible] who says he is opposed to any protective tariff, a[illegible] will never pay a penny of duty, and then you cat[illegible] him walking through the Customs House with h[illegible] pockets full of diamonds, you are entitled then to lo[illegible] back at his activities to give you light as to whethe[illegible] or not he intended to smuggle, or whether he denie[illegible] he had diamonds in his pocket, and so with the blin[illegible] pig, if you have a man who says that national prohibition is an outrage upon the rights of individuals, and the rights of free men, and that he won't stand for it, and he will oppose it, and then you thereafter see him placing a twenty-cent piece right over a place where there is a separate section or a compartment, you have a right then to think, or to take into consideration his declaration with regard to prohibition, so as to determine the question whether he is trying to get a drink, or whether he is merely trying to buy some cigars.

Gentlemen, something has been said about a fair trial. We want a fair trial here. Mr. Stedman has told you very truly that we are all a part of the Government; I am a part of the Government, and he is a part of the Government, and it is tremendously important to us all that we give fair trials to everybody. He has told you the District Attorney does not want innocent people convicted, and he is right, we do not, and we are going to try to present the case just as fairly as it is possible to present it, and to appeal to your reason, and to appeal to your understanding, but, gentlemen, when they ask for a fair trial for the defendants, do not forget also that we are entitled to a fair trial for the government.

We are entitled to your best judgment, and that is all we want. That is all we ask for, and we are en-

led to that. We are entitled to a judgment in which mpathy shall not play any part, and we are entitled a judgment in which the feeling, "Oh, well, the war over," shall not play any part, and both sides, both e Government and the defendants, are entitled to our attention, and I am sure they will get it, every moment of the trial, and I know that we will have your ery best efforts to give us a just verdict.

Scott Nearing's Direct Testimony

Q. What is your name?
A. Scott Nearing.
Q. How old are you?
A. 35.
Q. Where were you born?
A. Morris Run, Pennsylvania.
Q. Your parents born in that state or were they born elsewhere?
A. My father was born in New York and my mother in New Jersey.
Q. Are you a man of German extraction?
A. My mother's family were Polish, her name was Zabrisky; formerly it was Zabrouski, and my father's name was Dutch, the family name was Van Neering.
Q. How long have they been in this country?
A. Both families have been here for 200 years.
Q. You are a married man?
A. Yes.
Q. Have you any children?
A. Two children.
Q. Their ages?
A. 4 and 6.
Q. Where did you attend school first?
A. I first attended school at Morris Run.
Q. Before I go into that, what business was your father in?
A. He is a broker.
Q. Where?
A. New York.

Q. What kind?
A. Stock broker.
Q. Now, have you any brothers?
A. Two.
Q. With reference to the army, will you state?
A. I have one brother in France in Bordeaux at the present time and another brother who was in the army but has been dismissed or discharged.
Q. Volunteers?
A. One volunteered and one was conscripted.
Q. You and your family are on good terms notwithstanding your views on economics?
A. Yes.
Q. Will you state your general course of study and work please?
A. I have attended school at Morris Run, Pennsylvania, at Philadelphia, in the elementary grades, in High School; I attended the Temple University, the University of Pennsylvania, academic course, and the University of Pennsylvania graduate school.
Q. That finished your career as a student in the schools or being a pupil in the schools?
A. Yes.
Q. What line of work or endeavor did you take up then?
A. I was secretary of the Pennsylvania Child Labor Committee from 1905 to 1907.
Q. How was that committee constituted?
A. It was a volunteer society of mostly political people, liberals, I suppose, who were interested in the child labor problem in Pennsylvania. At that time Pennsylvania was the second largest manufacturing state in the country and we had more working children in Pennsylvania than in any other state in the United States: in the mines and in the silk mills and in the textile factories and the glass houses, particularly.

At that time the age of child labor in Pennsylvania was 13 and there was a very vigorous campaign to arouse public sentiment to raise the age to 14 for day work and 16 for night work. I was secretary of that volunteer committee that was busy with that campaign.

Q. How long did you serve in that capacity?

A. Two years.

Q. Following that, what?

A. Following that I became a teacher in the University of Pennsylvania.

Q. What did you teach there?

A. I taught economics and sociology.

Q. How long did you continue in the university as a teacher?

A. Nine years. During that same time I taught three classes a week at Swarthmore College from about 1908 until about 1912.

Q. Did you write any books at that time?

A. A number, yes.

Q. Can you give us the names of some of them?

A. The first one was a book on economics which was called "Elements of Economics"; and I wrote that in collaboration between myself and one of my fellow instructors, F. D. Watson, who is now professor of sociology and economics at Haverford.

The second book was my doctor's thesis, called "Social Adjustment."

The third one was based on my experiences with the Pennsylvania Child Labor Committee.

Q. Coming to the first one, did that have a general circulation?

A. No, it was a text book, and used in colleges and used to some extent in more advanced high school classes.

Q. In what state?

A. Well, I cannot tell you as to what state. It was

published by The Macmillan Company and circulated throughout the country and in England because the Macmillan Company is an English firm, and the American offices are the branch offices.

Q. Did you write any other books while you were there?

A. I mentioned "Social Adjustment." That was my doctor's thesis. That was also published by the Macmillan Company.

Then I wrote a book called "Solution of Child Labor Problems" that was based on my experiences with the Child Labor Committee.

And then the next one I wrote was a book called "Social Religion." That was an attempt to apply the principles which are laid down in "Social Adjustments" to the ethical or religious field.

Then I wrote another book called "Social Sanity." Which was an attempt to show that changes are bound to occur and that if we are wise and foresighted, and if we understand what is coming they can occur sanely and intelligently and constructively; but that if we are stupid and bigoted and refuse to see what is coming, the changes may overtake and wreck our civilization.

I tried to point out that the ruling class in society, the people in charge and in control of any society would do well to realize that progress is bound to be made and would do well to study the problems of progress and see that they were sane rather than the chaotic progress. Changes will come anyway and the question is whether they will come wisely or insanely.

Then this little book published by B. W. Huebsch, called "The Super Race." That is a study in the improvement of race standards, or improvement of our racial stock. It is an attempt to show that people can be better born if they exercise the wiser pro-

visions, that we can become a better racial stock to begin with.

Then the fourth book is one called "The New Education"; and that was a book written and describing some of the most promising educational experiments that were being carried on in the United States at that time.

I traveled all over the country and studied all of the most progressive school systems and I wrote out a series of chapters or articles—they were both—concerning the new work that was being done in education.

Then there was another series of five books, the first one: "Wages in the United States." That was an attempt to show what wages were being paid in the United States and it was the first attempt, so far as I know in the country, to study wages.

That was published in 1914. It was the first attempt by any other than governmental authority to study wages; and the most astonishing thing about the book, about the study, was the smallness of the wages that were paid. The great majority of the working people at that time got less than a decent wage, nine-tenths of the men got less than $1,000 and nine-tenths of the women got less than $600 a year. And that held true both of the railroads, industries and factories, all up through the line of industry at that time.

That was the first of a series of five books dealing with the question as to the income of the country as it was at that time.

The second was a book called "Financing the Wage Earner's Family"; and that was a study of our standards of living. The study of wages was an attempt to show how much the people got, and this study was an attempt to show how much they needed in order to

maintain physical health and social decency.

The conclusion from this study was that the majority of workers, both men and women, at that time, 1915, were getting less than a decent wage; that is less than a wage which would enable them to maintain physical health and social decency.

The third book in that series was a book called: "Reducing the Cost of Living." That was an attempt to show that even where men were getting comparatively good wages, their income was being cut down by the increased higher prices.

This book was an attempt to indicate some of the possible remedies for the high cost of living.

The fourth book in that series was a book called: "Income." That was a study of the whole question of income and as to how it was divided up between wage earners and property owners. I tried to make one of the points in that book which is one of the well known points in the socialist doctrine, that there were only two sources of income, or from which income can be derived:

A man is paid because he works, as a man who works on a railroad; and a man is paid because he owns, as a man who owns stocks and bonds in a railroad, and who did nothing actively himself to give him that income. And I tried to work out, using the word "income," to see how it was divided between the two classes.

Q. Do you use it in illustration of a man who worked on a railroad. Do you confine that to manual work?

A. Anybody that performs a social service, that includes the president and everybody else on a railroad.

Q. In other words, your definition of work includes the service rendered by the president, the manager and by all who perform a service in the operation of the enterprise, whether managerial or otherwise?

A. Yes, who perform any useful service, social service; that includes also the man who plays the violin and writes good poetry.

Q. (By Mr. Barnes): Does that include the lawyer?

MR. STEDMAN: I hope not.

A. And the fifth book in that series was a book called "Anthracite," which was a study of the anthracite coal industry, in which I attempted to show by one industry what I have been trying to show was common to all others. I took up the matter of wages of a man located in that region and in that industry, what is the income from the anthracite coal industry and tried to arrive at a conclusion as to the contention between the miners and the operators and the general public, and the conclusion was that the operators, the owners of the mines, ten operating railroad companies which owned over 96 per cent of the mines and wherever there was an increase in wages which had been granted, it had been more than offset by the increase in the cost of living; and the increase in wages was shoved over by the operators in the form of increased prices to the consumers; and while the operator made more in dividends and the labor got some more in money wages, the consumer always footed the bill.

And the last book was a book called "Poverty and Riches," which was a book in which I attempted to describe the results of our industrial system; the results on a man who worked and the results on the owner, the results in the form of poverty, the results in the form of riches; and then I have a chapter on industrial democracy.

That includes about all of them except a number of pamphlets, about a half a dozen pamphlets.

Q. Will you name those?

A. "Work and Pay," "The Coal Question," "The Menace of Militarism," "The Germs of War," "The

Great Madness." I think that is all.

Q. How long did you serve in the University of Pennsylvania?

A. Nine years.

Q. When did you discontinue?

A. 1915, June 1915.

Q. In just a short way, what were the circumstances of the termination of your services?

A. Why——

MR. BARNES: I do not think that we want to go into Mr. Nearing's trouble with the university at that time.

THE COURT: I don't think so either.

MR. BARNES: We will concede he left the university.

THE COURT: He can say there was a difference of opinion between him and the trustees.

MR. STEDMAN: I want to bring it out so they would not think he rifled the treasury or anything of that sort.

Q. Where did you go from there?

A. University of Toledo.

Q. How long were you there?

A. Two years.

Q. Did you resign from the Toledo University?

A. I resigned, and my resignation was rejected, and then the trustees "fired" me.

THE COURT: Is that an academic university?

THE WITNESS: The University of Toledo is a municipal university. The University of Pennsylvania was a state—well, a semi-state university. The University of Pennsylvania had an appropriation of about a million dollars a year from the state legislature, and the University of Toledo was a different university, it was maintained entirely by what you people here refer to as the Board of Aldermen, and there it was called

the City Council.

The University of Pennsylvania had a board of 23 trustees, who were self-perpetuating, that is they elected their own successors.

Q. That is the Board as to the University of Pennsylvania?

A. Yes, and as to the University of Toledo, the members were appointed by the mayor and confirmed by the city council, so that the University of Toledo was a much more democratic institution than the institution of Pennsylvania.

Q. Had you, prior to disassociating yourself or having yourself disassociated from the Toledo University, given any addresses in reference to the war?

A. Quite a number.

Q. Will you state in just a terse way what was the theory of your addresses on the subject of war?

A. The theory of my addresses on the subject was the same as the theory that I had been working out for a number of years.

When I went into the University I didn't have any particular economic point of view. After two years with the Pennsylvania Child Labor Committee I became convinced of certain facts, and the foremost of those was that under the present system the rule of procedure is: "Let him take who has the power and let him take who can," and "every man for himself, and the devil take the last fellow."

Because in Pennsylvania, without any sense of apology, the manufacturers, the miners, put youngsters into their factories and mines who had no business to work and ought to be in school, little boys and little girls, and then proceeded to make profits out of them; and when we went to the legislature to try to get laws keeping children under 14 out of mines and factories—

MR. BARNES: I don't like to interrupt on this

line, but we are not interested in the child labor question here, and I have no objection to the witness stating his views; but I don't think he should detail all the work that he did and the fight that was had in Pennsylvania, all of it.

THE COURT: I quite agree with you.

MR. BARNES: All of us sympathize with the child labor movement.

MR. STEDMAN: All sympathize but we don't do much; that is the difference.

Q. Will you cut it right over to your addresses on the war issue and take it from there if you can?

A. I think it was in the Fall of 1916 I delivered a series of speeches on preparedness. At that time the President had made a swing around the country and he said that if those who disagreed with him had any public sentiment on the other side, they should hire a big hall and go out and get crowds. So we hired some big halls and we went out and got big crowds in all the cities, or most of the cities where he had spoken.

And during the series of addresses I made a talk on the germs of war, and I afterward published that speech in a pamphlet of the same title that was published by a concern in St. Louis, I think in the late Fall of 1916. Do you want me to tell what the theory behind that is?

Q. Yes, you have now characterized your addresses, and I want the theory that ran through them.

A. Well, the theory behind it, behind the "Germs of War" was this:

That if a town was threatened by typhoid fever the first thing you would want to know was what the origin of the germs was, and having discovered the origin or source of the difficulty, you would proceed to correct it from the bottom up.

The war is a social disease, the most deadly of all

...social diseases and if you want to know how t... ...you have got to go to the bottom of th... ...and reach down to the germs or origin of wa...

...then I took up the question of the origins o... ...as it is taken up by Hobson in his "Imperialism"... ...by S. C. Howe in his "Why War," or by H. N... ...in his "War of Steel and Gold."

I took up this theory, that in the modern economic world there have been three important stages:

In the first place there was the stage when nations ...for colonies as Spain, Portugal, France and the like;

And then there was the stage when the nations ...for markets, and that has been the stage in what we call capitalistic society.

In the last 100 years or 150 years the great nations ...looking for markets, and they have had to look for markets because the workers, who produce the wealth, get less in wages than they produce in value; that is, if a worker produces five pairs of shoes, he gets two pairs or three pairs in wages. That is what we call a subsistence or a necessary wage, and there over and above that there will be a margin, and that margin goes to the capitalist in rent, interest, dividends and profits.

Now the capitalist can use only a certain amount of that margin; in the United States at the present time there are about 35,000 individuals who receive over $10,000 a year.

If a man spends $10,000 a year under modern conditions he can live comfortably, he can have the comforts and simple luxuries of life.

Now if a man lives comfortable under those circumstances, he would have $40,000 left over.

Now take the sixty-seven richest people in America having a total income of $300,000,000 and $298,600,000

of that is in the form of rent, interest, dividends and profits, and $1,400,000 is in the form of salaries and commissions. That is, there are salaries and commissions averaging $20,000 a year apiece.

And over and above that, about 99 per cent of their income is in interest, rent, dividends and profits.

Now that is the surplus over and above of what goes back to the worker in the form of wages.

Now, I say if a man spends $10,000 or $15,000 on his living that is all that he can spend and he must spend the difference or at least put the difference in service in some other way. There are two ways that he can utilize it:

He can invest it at home or he can invest it abroad. So long as there are investment opportunities at home, the capitalist, or the man who gets the surplus, invests that, we will say at home. When the time comes that he can no longer invest it at home he has got to send it abroad and that is what we mean by a search for foreign markets. In China and South America and portions of Africa there are unexploited resources: gold mines and iron mines and the like and franchises, trolley franchises and electric franchises, etc., and the capitalist in America or any other capitalistic country takes the surplus that has come to him and invests that surplus in South America or China or Africa or somewhere else.

Ever since about the time of the Franco-Prussian war we have been engaged in sending abroad the economic surplus. That has been true of England, Belgium, France and Germany, and to a small extent Italy and since 1900 that has been true of the United States.

Now, you take the investment field like that in Mexico, for example, around Tampico there are extensive oil properties and of course there are large interests in Mexico.

... there is the Standard Oil Interests
... the interests of S. Pierson &
... oil trust, if you could call it so;
... both buy in Mexico oil lands
... come into conflict, the English
... can Dollar both looking for the

... Palmerston, a British states-
... doctrine that the flag follows the
... Pound goes into Mexico and the
... into Mexico, and the British
... Pound into Mexico and the
... the American investor into
... investor comes into conflict.
... conflict.
... theory, the socialist theory of
... whenever you get these com-
... and established, the result

... interesting illustration of that,
... been following the end of the
... The British called us in to
... we went in and helped them
... er is the war over than they
... different American articles,
... States Senate the day after, I
... is rose up in his place and
... statesmen beware lest they re-
... I think Senator Nelson, spoke
... about "bloody reprisal."
... posed to be on good terms with
... says "you cannot import articles
... the American senator says "We
... on Britain." And just as soon as
... an economic conflict started, you

have the germs of war.

And our theory is that as long as you follow the dog eat dog philosophy in national or international affairs, so long you will have wars that will be based primarily upon the desires of commercial groups for aggrandizement.

I have in my hand here an article written in 1915 by Prof. E. R. A. Seligman, professor of economics of Columbia University. Professor Seligman has been, so far as I know throughout the whole controversy, a pro-war man, he is not a Socialist, he is an extremely conservative man and has been conservative and has taken the conservative position on the question of the science of economics throughout this work which is his specialty, and he has written a book called "Economic Interpretation of History" which is one of the standard works on that subject.

Professor Seligman, as I say, is a pro-war conservative. He says:

"While economic conditions indeed do not by any means explain all national rivalry, they often illuminate the dark recesses of history and afford on the whole the most weighty and satisfactory interpretation of modern national contests which are not clearly referable to purely racial antagonisms alone."

Q. Let me ask you then, do you appreciate the fact that racial antagonisms have, or are in effect in war?

A. Undoubtedly.

Q. And also religion may affect it?

A. Undoubtedly.

Q. And what you mean is the economic determination or principal factor in determining war?

A. Yes, the economic conditions of life determine all the conditions of life. Just as roses and cabbages grow in the same dirt, in the garden, so racial antagonisms and national antagonisms root back in the eco-

On the one han
and on the other
Company, the E
and these two i
and sometimes
Pound and the
same oil well.

In 1850, I th
man, enunciate
investor. The
American Do
flag follows t
United States
Mexico, and
why the flags

And our th
modern wars
mercial rival
is bound to

We have j
probably all
war with g
help them w
win the war
declare an e
and then in
think it was
said "Let t
awaken the

And anothe
up and said

Now, we
Britain and
into Britai
will make
you get th

ress.

goes on and dis-
ows how economic
he says:
Britain or Germany
seems an unbeliev-
ew of the situation.
ities of the world are
y forces over which
and by which they are
evitable fatality."
the thesis of the Social-
man is by no means a

interesting and cor-
This is some of the
working when the "Great
when the "Germs of War"

"Sea Power," a magazine
ine in September, 1916.
ine's creed:

believes that most modern wars
from our commercial rivalries.
we are now seizing the world's trade.
following the present war will come the
commercial readjustments and the most
rivalries ever known.
the United States will be the storm center

disturbances.
that consequently it is our duty to guard our-
against these dangers while there is yet time."
then in another of their magazines, "The Seven
another of their publications they say:
the days of the wars, in the name of the
Peace, the battles between nations have ever

been with them directly or indirectly a question ot conquest."

Q. Where is that from?

A. That is from the Navy League, that is an organization of the largest business interests in the United States.

The Navy League theory is like Prof. Seligman's theory and that is like the socialist theory.

Q. And that is the theory which you had in mind, and which you were supporting in your "Great Madness?"

A. Yes, sir.

Q. Have you a copy of the "Germs of War" with you?

A. Yes.

Q. Will you now take up the portions of that which are distinguishable, in theory, from portions of "The Great Madness"?

A. The fourth section of the "Germs of War" is headed "Treasonable Lying and War."

"Before human nature can be sufficiently embittered and terrified to produce war between great nations, someone must do a great deal of missionary work. The people must be prepared for war. They must be appealed to, stirred up, exasperated, enraged, infuriated.

"A thorough-going war spirit can be extracted from life only after years of steeping and simmering. Children are taught to hate. In their games they slaughter their foes—by name. Then school books teach them to hate, by distorting the facts of history and by misrepresenting their enemies. Their military drills and patriotic appeals teach them to hate, by making them believe that their country is the greatest, strongest country on earth, and their enemies' country is the weakest and meanest. Their churches teach them to hate by telling them that God is on their side, while their enemies are in league with the devil.

"Thus steeped and schooled in hate, enthusiastic, patriotic and ignorant, they go out to wage war against oppression in the name of liberty.

"The United States is now in the midst of a campaign of misrepresentation, the like of which has never before been undertaken in the history of the country. For years, the American reading public has been treated to a flood of systematic lying about Mexico. So serious did the situation become that the President of the United States was finally forced to issue a warning which was printed in the papers March 26, 1916. Among other things the President charged the great vested interests with a deliberate attempt to start a war with Mexico by circulating false news through this country. He said, "The object of this traffic in falsehood is obvious. It is to create intolerable friction between the Government of the United States and the de facto government of Mexico for the purpose of bringing about intervention in the interests of certain American owners of Mexican properties."

"By way of further emphasis, the President added, 'The people of the United States should know the sinister and unscrupulous influences that are afoot, and should be on their guard against crediting any story coming from the border, and those who disseminate the news should make it a matter of patriotism and of conscience to test the source and authenticity of every report they receive from that quarter.'

"Here is a deliberate statement made by the highest official in the United States, that certain of the great vested interests are trying to stir up a war between the United States and Mexico, in order to safeguard their properties and increase their profits.

"The New York Times comments on the President's statement in a way that indicates that the President would have been justified in issuing his warning at any time within the past six years.

"'It is well known,' says the Times on Sunday, March 26th, 1916, 'that false reports about the hostility of Mexicans to the American troops of the punitive expedition have been freely circulated. Southern Texas has contained many agencies for the spreading of reports calculated to involve the United States in difficulties with Mexico since the very beginning of the Madero revolution in 1910, and the methods of the interventionists have been perfectly well known to our government and the American newspapers.'

"If the Times is correct, and as one of the leading papers of the country it is in a position to speak with authority,

there have been six years of deliberate effort to start a war between two peaceful countries, for the purpose of making certain American investments in Mexico 'pay'.

"Here is a group of dynamiters who are trying to wreck, not buildings but nations. Who can forget the wave of frenzied criticism that swept over the United States when the McNamara brothers were tried? They had destroyed life and property! To the gallows with them! Since the President spoke his warning against this group of buccaneers who are seeking to embroil two nations that do not want war, there has been only a feeble suggestion, in the daily and weekly press, that an investigation be made, that the offenders be discovered, tried for treason, and made to suffer the penalty of their misdeeds.

"Compare this journalistic indifference to a monstrous crime, with the attitude of the papers, toward preparedness. With a few creditable exceptions, the newspapers of the country, during the last year and a half, have come out strong for preparedness and have deliberately suppressed news of every description that bore on the other side of the question. It is enlightening to have a managing editor say to a committee of citizens interested in offsetting the wave of preparedness hysteria—'We are not here to print your side of the case, we are for preparedness. If you want space for your side, buy it.'

"Here are strange doings! The President contenting himself with a warning against treasonable acts. The press of a great country solid on one side of an issue of the most momentous consequence to the future of the country, and frankly refusing to print even the news on the other side. Why are some people anxious to bring on Mexican Intervention? Why is the American Press for preparedness and pro-Ally?"

The next section, which I shall not read, is devoted to social differences that led to war: race, nationality, language and religion as differences that led to war; political causes of the war:

"The germs of war lie deep in the competition for economic advantage that has plagued mankind for ages, and that still rides like a nightmare on the neck of the human race.

"6 The Economics of War.

"Economic conflict has appeared in many forms. In the early dawn of history men were fighting for the fertile valleys of the world,—Ganges, the Nile, the Tigris. Race after race swept down on the garden spots and drove out or enslaved those who held them. For ages, history was a record of the campaign waged by vigorous hill-tribes against the more cultured, richer and less vigorous valley tribes. Then came the wars over trade-routes, and the struggle for the control of sea-going commerce. And now, under the domination of an industrial system that is founded on the machine, the factory, the railroad, the bank and the retail store comes the international competition for foreign markets.

"The United States, despite its 'mind your own business' traditions, is deeply involved with the other nations of the world, in the struggle for foreign markets. Just now 'South American Trade' is our watchword.

"Germany held the bulk of the South American trade before the war. England, Belgium and France had a share. Until recent years the business interests of the United States were so busy with the conquest of the continent and the development of American resources that they had no time to bother with outside sources of investment and profit. Now that the important resources of the United States have been brought under private ownership, the business interests are turning eager eyes to Mexico, Cuba and Central and South America.

"American business interests have entered the race to secure their share of the unexploited resources and the undeveloped trade of 'backward' countries. They are hot on the trail, but they must meet competition, and it is out of such competition that international misunderstandings frequently arise.

"Has it ever struck you as remarkable that the European War, which began as a struggle between Serbia and Austria, should have developed immediately into a war between England and Germany? England and Germany are at war! There is nothing in their past to explain the conflict. England has fought battles with all of her principal Allies. It is little more than fifty years since she waged a bitter war against Russia. England and France are hereditary enemies. England helped to sweep Spain from her position as a

world. So much for England's Allies. Now ...nies. There has never been a war between ...ermany. Always the two nations have been ... have the same ancestors; the same traditions. ...ide by side at Waterloo. England has never ...flict with Austria, though her interests have ...site to the interests of Austria as they have ...terests of Russia. Despite these past relations ...sia and France are now Allies, and England ... are the chief antagonists in the war.

...ld a war begun in Central Europe change so ... a war between two friendly nations? Who ...thought it? Who, but the student of the com-...een nations for the World's markets.

...War Business is Good Business.

...ness, or business war? There is nothing in a ...re is a great deal in the connection that exists ...ern war and modern business.

...ern war is a business proposition.

...n which prepares for war mobilizes munitions, ...oney and men. The experience of the past few ... showed that the hardest thing to get is muni... ...e easiest thing is men.

... munitions so hard to get? Because in a modern ...ount of munitions consumed in a single engage... ... have sufficed for an eighteenth century cam... ...re have been days during the present war, when ... one point in the battle front has fired a quarter ...n shells per day and continued this huge ex... ...ay after day. This is a greater use of ammuni... ...as dreamed of ten years ago, even among mili... ...s.

...ce footing of most nations has called for a com... ...mall capital invested in munition factories. The ...ow at war multiplied their munitions capacity. [illegible] ...re they were on a war basis. [illegible] ...a highly specialized industry and the [illegible] ...cessary is more [illegible] ... a new era of the military [illegible] ... or failure of the war is in the hands of the

'Minister of Munitions,' who has leaped into a position of supreme importance.

"Preparedness for the war involves munition-shops woolen-mills, and stable credit before one regiment can be put in the field. War today is largely a combination of business organization and applied science. Men are incidental. They direct the war machines. They are 'cannon fodder.' They play almost the same role that machine hands play in an up-to-date factory.

"Because of the business nature of up-to-date warfare business thrives on a war just as a fire thrives on fuel. During peace times buyers are careful, they look the goods over, and are slow in making up their minds. Peace times are times of calm and deliberation. War times are times of fever. Men's souls are aflame with patriotism, fear, bloodlust and hate. 'Everything goes in war time,' and at handsome prices.

"The European War has been a wind-fall for the United States. Not since the Civil War have there been such opportunities. Contracts are large, the need is pressing, price is an incident, and even quality is sacrificed to speed.

"Since the outbreak of the European War, wealth has piled up in the United States at an unheard of rate. There have been immense increases in the prices of rubber, copper, lead, zinc, petroleum, steel and other minerals, and like increases in the prices that manufacturers have been able to get for their products; the earnings of the munition factories have been phenomenal as have the dividends paid by many of the war trade industries. Export trade is at the highest point in our history. The war in Europe is the greatest boon that American business has perhaps ever experienced.

"America is enjoying real prosperity—phenomenal prosperity. To the American business world the war has been a Godsend.

"War a Godsend?

"Down below in the abyss from which America is drawing her countless millions, there are other countless millions. Cannons crash and guns splutter. Commands, shouts, cries, curses, screams and groans fill the air. Broken bodies writhe in agony. Other bodies lie still. Families are torn forever asunder; homes are desolated; children are weeping for their fathers, wives for their husbands and mothers for their sons; villages lie in ashes and cities in ruins. Pestilence creeps from house to house, and famine whines at the

door. Death in every hideous shape stalks through the war-torn countries. Nations heap up mountains of debt that must crush joy out of Europe for fifty years. Through the crevices and the yawning chasms of this frightful wreckage tiny yellow rivulets and large yellow streams make their way, forming pools and little lakes in the hollows. Upon these we fling ourselves in an estacy of mad joy, warning all others back and crying 'Profit! Profit! Mine.' My very own!'

"It is a commercial proposition with us. They are anxious to buy. We sell. Business is good. What is it to us whether they set the guns we make in trenches or put them up as monuments in the public squares? We made the guns; they bought them. They have what they wanted and we have the cash!

"This is the point, exactly. War has become a matter of business. War profits are large profits. So much the better. We will make hay while the sun shines.

"But suppose the sun should cease to shine? Suppose the war should stop tomorrow? What would become of the hundreds of millions of capital that have been invested in munitions plants?

"There is nothing easier. We must begin now to prepare a market that may be used in just such an emergency. A large navy, and a good-sized standing army will keep a good deal of munitions capital busy, even in peace times.

"8. The War Makers.

"Those who benefit most immediately and most directly by the war business are the makers of the munitions of war. The munition makers or, more correctly the 'war makers,' depend for their livelihood on fear, hatred, preparedness, slaughter, desolation.

"The jackal is a prince, the vulture a gentleman, the hyena a reputable citizen compared with these war traffickers. God made the beasts and birds what they are; the munition business is a man-made business. The quivering flesh of nations is its food. There is more joy among the makers of munitions over one nation at war than over fifty nations at peace. These scavengers of civilization make hell on earth and then fatten on the profits of their frightful business.

'Minister of Munitions,' v
supreme importance.

"Preparedness for th
woolen-mills, and stable
be put in the field. War
business organization and
dental. They direct the
fodder.' They play almost
play in an up-to-date facto

"Because of the busine
business thrives on a war j
ing peace times buyers are
and are slow in making
times of calm and deliber
fever. Men's souls are afl
lust and hate. 'Everything
some prices.

"The European War has
States. Not since the Civi
portunities. Contracts are
is an incident, and even qu

"Since the outbreak of
piled up in the United Stat
have been immense increase
lead, zinc, petroleum, steel
creases in the prices that
get for their products; the
have been phenomenal as
of the war trade industries.
point in our history. The
boon that American busines

"America is enjoying rea
perity. To the American b
a Godsend.

"War a Godsend?

"Down below in the abyss
her countless millions, there
Cannons crash and guns splu
curses, screams and groans
writhe in agony. Other bod
forever asunder; homes are
for their fathers, wives for t
heir sons; villages lie in asi
ence creeps from house to h

... the munition m
... Governor, House of F
... copies of his
... Wide War Trust"
... the first of these spee
... the munition-mak
... the United States G
... manufactured in the Go
... to Uncle Sam by t
... were made for $2.
... for $7.00; armor plat
... to the government fo
... the cost of production
... unprepared, argues Con
... six hundred millions in
... we are unprepared and
... our war establishment,
... believe,' he says, 'that these
... the people's money, have
... which could have been
... somewhere or in some manner
... accounting for their acts.
... into the question of armor
... describes as 'one long scandal.'
... estimates place the cost of
... $247.17. 'Yet since 1887 we
... armor, paying the armor
... ton.' Then he shows how
... England, Germany, Austria,
... States formed an armor plate
... in all of those countries
... the efforts of these war traffick-
... this make more profits.
... makers manufacture news, mis-
... alarms, and create fear in
... after case he cites, in which
... the trail of the war makers,
... planning to create the same
... between European Governments
... referred to by the President
... between the United States

... that while the United States
... with powder, and turning

of their experiments over to a great American
wder manufacturers, this American firm had a
ith a German firm which required it to inform
an firm of 'every improvement' in their process
cture, and to keep them advised of the orders for
ceived 'from the Government of the United States,
her parties.' This firm was actually turning over
erman firm full information regarding all of the
ecrets and powder business of the United States
ent.

rmore, Congressman Tavenner shows that a man
he military circles of the United States was for-
partnership with one of the great munition firms,
one of these firms employs an Ex-Army Official
-Member of Congress to attend to its business in
gton. So, page after page, the sickening recital
s.

speech 'The Navy League Unmasked,' shows that
me war makers, or their representatives run up and
e land and, in the name of patriotism cry 'Prepare,'
owing that each dollar spent for preparedness is
in their pockets. There is something sinister for the
of the republic in this 'pocket-patriotism' or 'profits
ism' because, in the last analysis, it is no patriotism

group of Mexican bandits recently made a raid on a
n the United States, killed United States citizens and
States soldiers—killed them with rifles and bullets
in the United States. If war is declared tomorrow
en Mexico and the United States, these profit-patriots
sell guns and munitions to the Mexicans as readily
y shipped rotten meat to the American soldiers during
panish-American War. Their country is capital. Their
n is profit. Their God is gold. Yet they cry patri-
to a pathetically ignorant and patient citizenship
h is beginning to wonder whether there is not a need
reparedness after all."

"9. The Wolf Struggle of Nations.

England was the first nation to develop the modern
petitive factory industry. Her capitalists owned the
urces and the machines. They hired workers, paid them
in wages than they created in product, and took the

surplus (rent, interest, dividends, profits) for their own. This surplus the owners could not consume, so they invested it in new mills and mines at home. These new investments created new floods of surplus. The capitalists then went abroad in search of investments. They found iron ore in Cuba, and Chile, and oil in Mexico. German, English and American capitalists invested their surplus there. There was hard feeling, friction, conflict. Who was to exploit their choice bits of the earth?

"Patriotic Germany was ready to protect the investments of her capitalists. Patriotic England was willing to defend her capitalists. A shot sounded from somewhere and England and Germany were at war!

"Now the American capitalists, who are in charge of a similar exploiting system, are actively engaged in their efforts to lay their hands on Mexico and South America. They are busy now, and it is Uncle Sam's turn to take a hand. The war will end. No matter whether England or Germany wins, the victor again will turn her attention to Mexico and South America.

"The same international, economic competition, based on exploitation at home and investment abroad, that drove England and Germany into war will drive the United States to war with the victor in the European conflict, no matter which nation wins. The American papers talk glibly now of sympathy with English ideals. Kaiserism they hate. Therefore they are pro-ally. They forget that the Czar is also pro-Ally, and Czarism is as repellent to American and English ideals as Kaiserism ever hoped to be.

"The United States has fought two wars with England, and been on the verge of two more. She has never fought with Germany, but it will be as easy to create friction in one case as in the other. If you do not believe it, read current events; read history, and then put two and two together.

"The conflict is inevitable! The United States is driving fast toward war. Therefore, let us prepare!

"Just so!

"This is the real cause.

"Here are the germs of war, lurking in economic competition between nations.

"Now we know why we are to prepare. Now we know why ninety-five per cent. of the patriotism around the campaign of the past year will be found among those who are

benefited by things as they are and as they are to be, with preparedness to back them.

"The American Exploiters are to continue their system of exploitation; they are to take the surplus secured by this exploitation; they are to invest this surplus for the purpose of exploiting resources and people outside of United States and the United States is to prepare to defend them in this new exploiting venture. Thus preparedness is intended to back up economic piracy.

"Do you object?

"Are you willing to pay higher prices, to add to the tax rate, to pile up national debt, perhaps to give your son, your brother, your husband, your father, in this holy cause of economic exploitation? The oil interests, the copper interests, the steel interests, the timber interests, the sugar interests, are calling to you, 'Prepare! Prepare!' will you not rush to their aid?

"You may hesitate unpatriotically, and question—'Why,' you ask, 'do they not sell their surplus products at home? There are many in the direst need here. Why not America first?' Why not? Because the wages paid by these American exploiters to the American wage earners are so small in comparison to their product, that they cannot buy back what they made. The American wage scale stands between the American worker and his product. Why are you not satisfied?

"What, you still protest? Then know this. That in the past, the American exploiters have been under a grave disadvantage as compared with their brothers abroad. They alone, among the capitalists of the world, have had no great standing army to protect their interests in their own country. Consequently malcontents and agitators have been able to stir up revolts and cut profits. Stand aside! Let preparedness become a reality and the vested interests of the United States will have an army in the words of President Wilson's last message,—'No longer than is actually and continuously needed for the uses of days in which no enemies move against us. Under no circumstances,' he says, 'will we maintain a standing army except for uses which are as necessary in times of peace as in times of war.'"

"10. Defending American Ideals.

"A chorus of protest sounds, 'This preparedness is to

defend American ideals, American homes, and American lives against the invader.'

"Therefore, we must increase our navy and our army. Therefore, we must spend more billions on war though we were, at the beginning of the European war, spending a larger portion of our national revenue on war than any other great nation. Still we are 'defenseless' and 'utterly at the mercy of a foreign foe.'

"If that is true, it might be sensible to ask what has become of the four and a quarter billions that we have spent during the past twenty years on the navy and the army. But that is incidental. The real question is whether the most threatening enemies of American ideals are in Berlin or in New York.

"No one has yet invaded the United States. Those worthy citizens who have looked under their beds for the Kaiser each night during the past eighteen months have not seen him once. The Japanese are thousands of miles from our shores. England and France have not attacked us. Why then this chorus of protest?

"Why Lawrence?

"Why Paterson?

"Why Little Falls?

"Why West Virginia?

"Why Colorado?

"Why Youngstown, and the copper strike, and the clothing strikes, and the machinists strikes?

"Why this dissatisfaction? This unrest? This embryo revolution? Can it be that the noisome tenement rookeries; the squalid back alleys; the toiling children; the exploited women; the long hours of high pressure work; and the grinding tyranny of unlimited industrial power have aroused the American people to revolt?

"Note these biting phrases:

"1. Jobs uncertain; strikes; lay-offs and sickness.

"2. Promotion and advancement uncertain and slow.

"3. Favoritism and partiality are frequently shown.

"4. Pay small and limited while learning a trade.

"5. Same old, monotonous, tiresome grind every day.

"6. Stuffy, gloomy and uninteresting working places.

"7. When sick, your pay stops and doctor's bill begins.

"8. If disabled or injured you receive little or no pay.

"9. If you die your family gets only what you have saved from your small wages.

"10. Little CLEAR MONEY; nearly all your pay goes for your living expenses.

"11. Old age, sickness, little money saved, your job goes to a younger and more active man."

"Do you know where they came from? They were printed on a circular issued by Uncle Sam, to explain why young men should join the navy, and work for seventeen dollars a month and board.

"American ideals? No. They are not included in the description. That is not a picture of democracy, of opportunity, of liberty, and of justice. It does tell the story of exploitation, and hopeless, intolerable human degradation.

"The Kaiser did not do that to us. No, nor did the Mexicans, or the Japanese. Those unspeakable conditions of American life, that may be met with in every great center of industry, commerce and finance, from New York to San Francisco, and from Chicago to New Orleans, are the product of that same system of exploitation that we are now patriotically preparing to defend in its policy of foreign aggression."

This is the last section, section 11.

"11. Swat The Germ.

"No thinking man can be patriotic to such a scheme of economic aggrandizement. No rational human being can be expected to rush forward to the defense of the gang that has already picked his pockets.

"We are intelligent.

"We use our minds.

"We are for peace.

"We are willing to prepare for peace.

"The means of preparedness are as obvious as they are unwelcome to the profit patriots.

"We are against war. We think we have found the germ, of war. Then swat the germ! Let us here highly resolve that we will devote our energy, our thought, our lives to the work of destroying the germs of war. Joining hands, let us declare that:

"1. War makers must go! Henceforth, all munitions shall be made by the government.

"2. War profits must go! In case of war from this day forward, every able-bodied man in the United States will be put on the government pay-roll at $17.00 a month, and

[illegible] profits will cease until the war i[illegible]

[illegible] must go! The land, the re[illegible] the social tools, must all be con[illegible] not for profits, but for service [illegible] we will take in order to destroy the [illegible] turned our backs on the outwor[illegible] begin the work of true prepared[illegible] and the future. In furtherance of [illegible] noble human beings:

[illegible] to every child the right to be well

[illegible] to every child the right to enough [illegible] to insure physical and mental [illegible]

[illegible] to each adult the full product of his [illegible]

[illegible] insurance against sickness, accident [illegible]

[illegible] against old age to every man [illegible] his share of the work of the [illegible]

[illegible] social purposes all social values, [illegible] franchises, or in the product of any [illegible]

[illegible] will seek to guarantee equal oppor- [illegible] and the pursuit of happiness through [illegible] its activities to those necessary [illegible] the common weal."

[illegible] have a letter, a copy of a letter to [illegible] that you referred to or that was [illegible]

[illegible] that I wrote explaining my [illegible] on March 10th, 1917, and also [illegible] relations with the Toledo Uni-

[illegible] a number of prominent Toledo [illegible] indicating that my further [illegible] University will prove detrimental to [illegible] In order that the Board of [illegible] act for the best interests of the

University, I have tendered my resignation to take effect at their discretion.

"My utterances on the question of pacifism and patriotism have let to the storm of criticism that have been excited against me and against the University. May I take this opportunity to make clear my position?

"I am opposed to tyranny, despotism and irresponsible power, whether vested in a king, kaiser or any other individual or group of individuals.

"I believe in the democracy and the brotherhood of all men. No community can endure which ignores the Golden Rule, the basic law of social life—'Each for all, and all for each.'

"Millions of people, the world over, are today seeking to overthrow German militarism. There are two methods of securing this result. The first way is to militarize all of the great nations. I am opposed to this plan because I believe that the dearest liberties, liberties of democracy must be sacrificed in the process.

"There is another method of overthrowing German militarism—to promulgate a higher ideal than the ideal of militarism.

"Ideas and ideals are the most powerful and permanent things in the world, as our own history shows. A century and a half ago our ancestors immortalized themselves by broaching the idea of political democracy to a king-ridden world. Since that time, the idea has encircled the earth.

"The only possible way to save the present day world from militarism is to cut to the root of the problem and establish an industrial democracy, which, in its turn may prove a beacon light to mankind. If we adopt militarism, we lower ourselves to the level of German militarism. If we adopt industrial democracy, we have an opportunity to raise them to our new plane of justice and liberty.

"I oppose militarism because I believe it stands for the brute in human nature, and that if we adopt it the democracy is doomed. I hold to the doctrine,—'Peace on earth and good will among men,' because I believe that only thus can the spirit of man be emancipated and the human race be saved. They that take the sword shall perish with the sword. It is only those who are willing to overcome evil with good that can attain to the full promise of manhood.

"I revere the government that represents democracy. I honor the flag that stands for liberty and justice. So strong is my feeling on this point that I resent seeing the govern-

ment turned over to an irresponsible plutocracy, or an irresponsible bureaucracy just as I resent having the flag which is the symbol of our democracy, used to cloak special privilege and shameless exploitation.

"Militarism is the madness of the past dragging us down and destroying us. The spirit of brotherhood and good will among men is the voice of the future, calling us to a higher plane of life than humanity has ever known. To that future I have dedicated my life, and so I purpose to continue to the end of the chapter."

Q. That letter, I assume, was sent to the trustees of the Toledo University?

A. It was sent to the press of Toledo.

Q. You used the term "plutocracy." Will you distinguish it as you use it in your work?

A. Plutocracy is a word of the same root—meaning as democracy; plutocracy means rule by those who own wealth, whereas democracy means rule by the people. Wherever the wealth owners rule there you have plutocracy; wherever the people rule there you have democracy.

Q. I wish you would give a definition as to your understanding of the world "capitalist" or "capitalism" as you use it in this book.

A. The term "capitalist" I used means a person, the major portion of whose income is derived from rents, interest, dividends or profits. Therein, all capitalists are not necessarily plutocrats and all plutocrats are not necessarily capitalists.

Now all economic control is in a very few hands compared with the number of capitalists, that is, people who receive their income through rents, interest, dividends and profits.

Q. That is you think as an abstract proposition, one receiving a profit may fill both positions, so far as concrete cases are concerned, that is one man may have a salary—

A. A man may have a salary and an income from other sources at the same time.

Q. If you will now refer to "The Great Madness" which has been offered here; will you state on what you based the statements there, your conclusions?

I am directing you to recite for our information the data on which you based that theoretical position which you there state.

A. There are a number of kinds of data. In the first place the data referring to the concentration of industrial control.

Q. Will you refer to that data there if you have it, upon what you acted in making that statement and basing your opinion?

A. The trust movement, as such, ended about 1900, with the Spanish-American War, and that produced certain results, and I want to call your attention to the kind of results that that produced. Here, for example is The American Woolen Company as an instance of business concentration. The American Woolen Company has woolen mills as follows: Lawrence, Massachusetts; Blackstone, Massachusetts; Fulton, New York; two at Fitchburg, Massachusetts; Providence, Rhode Island; Maynard, Massachusetts, Dover, New Hampshire; three at Lowell, Massachusetts; Vasselborough, Maine; Plymouth, Massachusetts; Showhegan, Maine; Fairville, Maine; Harrisville, Rhode Island; Winooski, Vermont; Webster, Massachusetts; Dover, Maine; Franklin, Massachusetts; Enfield, New Hampshire two mills;—

Q. Can you give us the number of the balance without enumerating them?

A. I have read half the page and it extends for the rest and goes on over on the back. That type of organization is a concentration under one head of a large number of units like woolen mills and rolling

mills or coke ovens.

Now there is another type of trustification or concentration, for example that represented by the International Harvester Company. They make harvesting machinery in four different cities. They have twine mills in three different cities. They have iron mines, coal mines and a steel plant, a saw-mill and they manufacture gasoline engines, wagons, separators and so forth in five cities. They own four railways. In other words they owned different kinds of industries and then they have one plant in Sweden, one in Denmark, one in Norway, two in France, one in Germany, one in Austria and one in Switzerland and two in Canada. In other words, at that point industry breaks over the boundaries of national lines and internationalizes itself.

That is the second step in industry, concentration—

Q. In the illustration that you have given it breaks over a limited class of products and includes all?

A. Includes many products.

Q. Includes many other products?

A. Yes. As another illustration of the same kind might be the Standard Oil Company of New Jersey. This company owns 58 tank line steamers, it owns refineries — 13 refineries, two in Canada, — one in Mexico, one in Peru and the rest in different parts of the United States. It owns a large system of pipe line property; it has a number of accessory properties where they maufacture cans, cases and so forth. Then it controls The Imperial Oil Company, Ltd. with oil wells in Trinidad, Mexico, Southern California and Peru and controls a so-called plant in Montreal. It has marketing stations in Canada. Then it controls other Companies which give it marketing facilities and manufacturing facilities in Great Britain and in seven of the other European countries, in Asia and

stralasia and South Africa. In other words you have re an illustration of an international economic unit. After that movement had spent its force, or while was working itself out, there came the next step, nancial concentration.

I have here in my hand a copy of a chart from the report of the Pujo Commission.

Q. What commission was that?

A. That was a congressional commission appointed in 1912 to investigate the concentration of control and money and credit. It was a House of Representatives commission and they summed up their work with this chart. In the center of this chart there is J. P. Morgan & Company; Lee, Higginson & Company; Kidder, Peabody & Company; the Continental and Commercial Trust Company; The Illinois Trust & Savings; The Chicago National Bank, and then they have connected with them—I won't read all of these institutions, but it is typical of the kind of financial control, —they have here a series of connections. They have here the telegraph and the telephone industry. They have here a series of manufacturing corporations like the United States Steel, the American Radiator and the United States Smelting & Refining Company and the Baldwin Locomotive and the General Electric and The Pullman Company and The International Harvester Company and a dozen smaller corporations; and then they have the railroads, the Great Northern, the Chicago, Burlington & Quincy, the Northern Pacific, etc., the Chesapeake and Ohio and the New Haven and the New York Central, The Pennsylvania, etc. Then they have the banks and trust companies, The National Shawmut Bank, The First National Bank, The Old Colony Trust Company, Chicago, New York, Boston and a series of banks. Then they have the insurance companies, the Equitable Life, The

Mutual Life. Then they have the International Mercantile Marine.

I have not read all of the names, there are a couple of score there, but that illustrates what we call the concentration of financial control and that is the latest movement in concentration of business in the United States. In addition to the old trust units, which were individual businesses, really corelated, you now have big banking institutions like J. P. Morgan & Company reaching out into the railroads, insurance, banking, manufacture, public utilities and the like and controling vast pieces of property. I don't know how many billions of control that represents, but you can judge from the titles that I have read, that it is a very considerable control. And it is that kind of a statement that lead Mr. LaFollette in the senate to say that, when he asserted that 100 men—

Q. You can not say that unless you are quoting it. I think, however, I am objecting in this instance for you, Mr. Barnes.

THE COURT: Mr. Stedman; I want to ask the witness a question on something he has already spoken of.

MR. STEDMAN: Yes, your Honor.

BY THE COURT:

Q. So as to get this clear, these definitions which have been given, and in order that they may be in a clear perspective in our minds: First, I understand you defined plutocracy as a situation where the people are ruled by those who own wealth?

A. Yes.

Q. Now, in that characterization or phrase "who own wealth," whom do you include? Do you confine that to a few large institutions and exclude a large number of people who have some money or do you include everybody who has some money or what?

A. Well, on that definition I would not make any difference. There is a difference between a man's ruling because he is rich and a man's doing so because he is a man; and it doesn't make any difference whether there is a large or a small number so far as the definition is concerned. Now, I believe the power is exercised in the United States by a relatively small number. However, as far as the definition of plutocracy is concerned, it means that the authority of, that is the control over society is concentrated in the hands of people who control power because they possess wealth.

Q. Now you have already given us your definition as to plutocracy and how it is applied to more than one particular kind or class of people?

A. Yes.

Q. Now in order that we may be clear as to the meaning of that word from your point of view:

Do you include in that list say, a man who, by his own efforts, either with his hands or with his brain or both, at some stage of his life, gets to a point where he owes no debts, where he is actively engaged in some occupation which you would agree was socially useful and where he has got net to his credit, in liquidated cash or property of some kind, let us say $10,000. Is he a member of the plutocracy within your definition?

A. Probably not. The members of the plutocracy within my definition are those which exercise an active control over economic affairs. And you can make your illustration even more extreme and take the widows and orphans who hold railroad stock, they are certainly not members of the plutocracy, although they are capitalists in that they are getting their income from interest and dividends and although they exercise no control.

We socialists believe that the right of power is a economic power and we therefore believe that who ever owns the job and the products and the surplu wealth will control ordinarily everything else in sight

Now a small coterie of people in America own the jobs of the rest. Now in a city like New York, I suppose 90 per cent. of the people work on jobs owned by somebody else.

In the second place the product in America is owned by a small coterie of people. That is they own the coal in transit, they own the steel in process of manufacture, they own the wheat in process of transformation into flour and so forth. The worker in America, the ordinary worker works on a job owned by somebody else. He works on a product owned by somebody else; the worker in a flour mill does not own the wheat he works on, the worker in a silk mill does not own the silk he works on and the worker in the steel mill does not own the steel he works on. In return for his labor he gets a wage and over and above that there is a profit or surplus produced and that goes to the owner of the job. So that the small group of people in the United States who own the essential [illegible] resources, transportation, manufacturing, financing and merchandising, the small group which owns these essential jobs own the jobs of the majority, own the product and own the surplus created in industry.

Now given your ownership and the economic means [illegible] and the rest naturally follows:

[illegible] the control by the plutocracy of the ma[illegible] of society. For example, the newspapers [illegible] their advertising, the wealth owners adver[illegible] in the newspapers and therefore the newspapers [illegible] to do what the wealth owners want done. [illegible] campaign was an excellent illustra[illegible] If a college wants to acquire a quarter

f a million dollars they can not get it from working eople, they have got to go to a member of the plu- ocracy, the owning class, to the people who have got he quarter of a million dollars, and then as I know n instance after instance they are good because they vant another quarter of a million later on and they cnow where to go to get it.

BY MR. STEDMAN:

Q. What do you mean by "good?"

A. I will just illustrate by what one college president said to me. He said: "Well, I got a quarter of a million of dollars from a certain foundation," naming him; he said: "I spent a year and a half in preparing myself," and he said: "I was prepared on every question that they could ask," and he knew the man who was going to ask the questions and saw that on every question he was prepared right. So that when he came for his quarter of a million he was sure that he was in perfect accord with the Foundation. And then he said to me: "Do you know a professor of sociology that I could get now? You understand I don't want a wild-eyed radical, I want a sane safe man." Now he was planning to go back for his next quarter of a million and he would not have anybody in his institution who would violate the spirit of the Foundation that was to give him his quarter of a million. Now that is just an illustration. That is not bribery, that is not corruption, it is just a pervasive influence that always goes out, goes forth and controls, it is the influence which naturally comes from those circumstances.

If I go to a man and ask him for $100 why the very first thing I want to do, I have got to get myself in tune with his tune, or otherwise I won't get the $100. We find the same thing in churches, when they want to get the money to do anything for the churches, they

...d; they have to go
... you are going to bu...
... to build an edifice or ...
...ave got to have mor...
...e money are the peop...
... the owners of wealth
...h various other publ...

... May I ask a question?

...y influence in this mat-
...ganized in mentioning a

... and unorganized, and in
...definitely organized. For
...ou a number of things,
...tely organized for one
... cohesion of wealth. By
...ed by Grover Cleveland.
...sion of wealth, what we
... group consciousness as
...ctive. Above that and
...lligent organized move-

...pathy is rather instinct-
... intellectual.
...complete my answer on

...n page 7 about the con-
...atural resources, banks,
...tical parties, public of-
...ns and school systems,

the press, the public, the movie business, the magazines and so forth. I wanted to say just a word in that connection:

Whoever holds the purse strings calls the tunes. So also is it true, along that same line, that those who hold the job, the product and the surplus, are able to call the tune.

And now there is another and a very important factor in that connection. When a man who is studying to be an engineer, or a man who is studying to be a lawyer, goes to a university or a technical school, he goes to a university or a technical school, as a rule, that has got the money directly or indirectly from the owning group, and that is the point of view that I tried to indicate; and therefore as a student, he is trained up to be of a certain mind. When he gets out of school, suppose he is a lawyer, he goes into the practice of law. The successful lawyers today are necessarily corporation lawyers because most all business is corporation business and most law business is corporation business. Therefore, if a man is successful at the Bar, as a rule, probably in nine cases out of ten, he is a corporation lawyer or he works for corporations. He does that for a period of eight or ten years. At the end of that time he gets to be a judge, and the spirit, the attitude—

Q. Not all of them!

(Continuing)—and the spirit, the attitude with which he approaches his problem is not the spirit of the man who has lived on $15 a week, it is not the spirit of the labor unions, it is not the spirit or the attitude of the working class, because his entire clientele, his club life, his social life, has been entirely with the other group, and therefore you get, unconsciously, —and I think most of this influence is unconscious influence,—and you get newspaper men, lawyers, preach-

g
tl
fo
ca
ar
th
A
in.

te
de

pa
ex
tha
thi
the
Th
call
soci
bey
men
Q.
A.
ive, t
TI
the q
BY
Q.
A.
trol by
railroad
ficers, c

...essional class, reflecti
... than the spirit of t
... week.

... out in government
... by President Wilso
... President, that Presider
... historians and is on
... political scientists i
... life has been devoted t
... these problems, and he i
... student of the subject to giv
... wrote a book called "The

... was the date in which that

... 1912
... republished in 1918.

... masters of the government of the
... combined capitalists and manufacturers
... written over every intimate page
... it is written all through the
... the White House; that the sug-
... in this country have come from
... sources. The benevolent guardi-
... who have taken the trouble of
... have become so conspicuous
... out a list of them. They have
... their names are mentioned upon
... The men who have under-
... taking care of us do not force
... directed gratitude. We

... and try to get at your
... that while you are politely
... are the men who have
... bankers, the big manufacturers,
... the heads of railroad corpora-
... men being consulted because
... themselves seem to admit it,

part of the people of the United States, but I do very viously object to these gentlemen being chiefly consulted d particularly to their being exclusively consulted, for, if e Government of the United States is to do the right thing the people of the United States it has got to do it directly d not through the intermediation of these gentlemen. very time it has come to a critical question these gentlemen ve been yielded to and their demands treated as the de- nands that should be followed as a matter of course.

"The Government of the United States is a foster-child of the special interests. It is not allowed to have a will of its own."

And I might say that we socialists believe that under the capitalist system that must necessarily follow.

MR. BARNES: That was before Mr. Wilson became President of the United States?

MR. STEDMAN: But I say he authorized an edition in 1918, so that is one instance in which he did not change his mind.

Q. Mr. Nearing, at the close of the session, you were reading, as I recall, from Woodrow Wilson's work Is there anything further you have to refer to there?

A. There is just one more point that I might raise, in answer to one question that the Judge asked, and that is, the income figures as published by the United States Department of Internal Revenue. They throw some light on the question as to how many people are in on the game. In 1916-1917 out of 103,000,000 people, there were 121,691 who received incomes of $10,000 or over per year. That is a little over one in a thousand.

There were 17,000 who received incomes of $50,000 or more per year out of a total of 103,000,000 people. In other words the percentage of people who got

[illegible] and who get large incomes at the pres[illegible]
[illegible] mean by "large" $10,000 or more, is o[illegible]
[illegible] per cent of the American people.
[illegible] not a complete answer to the questio[illegible]
[illegible] some light on the question.
[illegible] COURT:
[illegible] only to do with income?
[illegible]
[illegible] with capital?
[illegible] a question of how many people are
[illegible] asked whether that was a large num-
[illegible] number, and it is, comparatively, a very
[illegible]
[illegible]: Let me ask you then, and I direct
[illegible] as to the meaning of words:
[illegible] second to the last paragraph of Section
[illegible] use the word "Control" and so forth.
[illegible] as used there,—do you mean by that
[illegible] or what may be called "physical
[illegible]?
[illegible] that economic control through own-
[illegible] control through sympathy and
[illegible] through conscious organizations,
[illegible]
[illegible] let me ask you this: Eliminating
[illegible] for the minute the courts of inferior
[illegible] directing your mind to the Supreme
[illegible] States, what did you mean by the
[illegible] controlled by the vested interests of
[illegible] and courts decisions," having in mind
[illegible] Court of the United States?
[illegible] for example the constructions that have
[illegible] the Fourteenth Amendment. As I un-
[illegible] Fourteenth Amendment, it was made to
[illegible] human rights. As it has been con-
[illegible] been construed to protect property

hts; and I might say that at one time I made an investigation of Supreme Court decisions, covering a period of about 60 years, and I think that nine-tenths of them are decisions regarding property. In the early period they were decisions regarding personal rights. In the latter period, the questions that were decided, the most of them, that came before the Supreme Court, have been, primarily, involving questions of property rights. And I believe that the Supreme Court of the United States has construed the Constitution in that way, on the subject of property rights, and I believe that as those constructions have gone, as in the case of the Fourteenth Amendment, property rights have been made superior to human rights or personal rights.

Q. You think that your conclusion, if I gather correctly, has a bearing on the control of the Supreme Court by what you designate as the "vested interests"?

A. That comes, as I indicated this morning, or tried to indicate, through the control of the schools through which these men get their education; through the control of the principal sources of revenue, in the law, so that these men, as a rule, in order to make a living, as lawyers, must work for the corporations; it does come through the control that is exercised by the ruling class over its own membership.

The Supreme Court judges, as a rule—I know of no recent exceptions—are selected from what you would call the professional or ruling or dominating class in the country; and it is from the big business lawyers or the lawyers of high professional standing that those men are taken, whether they are lawyers or doctors or newspaper men, they are all working under a system that is dominated by an economic power, and all working as a part of that system.

BY MR. STEDMAN:

large i
time, i
tenth
Nov
but it
BY
Q.
A.
Q.
A.
well t
ber o
small
TH
my ir
Q.
1 on
Now
intell
contr
A.
ershi
intell
all th
Q.
from
juris
Cour
phra
. . . .
now
A.
been
dersi
prot
stru

control that they go
any specific objective?
used, as I say, through
vernment, the club life,
business relations, the
men.
as developed?
have been influenced
and is the product of
words, I believe that
ery seldom resorted to
cracy does not control
very minor number of
factor. The only con-
control through social,
ships.
sustain that system of

chology for sustaining
Section No. 2?

the pamphlet is an at-
ness campaign, and in
mind certain facts: For
traveling a great deal
Whenever they took me
found three books, one
e second a book called
National Defense," by
ook called "Defenseless

e in every hotel in the
that they were to be

ch, 1916, the New York
ublished a statement, a

report on "The Common Defense":

"We have all declared the belief that the subject of common defense is a business question and that business methods and principles should be applied to it."

Q. What are you reading from?

A. This is the report from the New York Chamber of Commerce entitled "A Report on the Common Defense," published in 1916.

The chief source of information on this subject, however, is contained in the reports of the Navy League and The National Security League.

I have here in my hand a large number of their pamphlets and I wish to refer shortly to certain pages of this propaganda.

In June, 1915, the Navy League makes the statement that "the secretary is assisted in his work of organizing, publicity and patriotic agitation by a staff of field secretaries whose duties are to establish local organizations of the League upon a firm basis, to distribute literature, arrange meetings, and give lectures and addresses, mostly illustrated, before important business, religious, social, educational and patriotic societies of the country."

At the annual meeting that same year they reported that they had distributed pamphlets to the number of over 500,000 copies.

Then they reported regarding a widespread campaign in the colleges, which included organizations in 37 of the states, and a total membership at that time of 70,000.

I want to refer particularly to the methods of propaganda that the League employed. For example:

They state in October, 1915: "With an adequate force, both naval and military, the United States will be in a position not only to enforce the rights of a just share of the world's commerce, but also they will be

ar civilization by aiding other nations

th October, 1915?

the This is from the July issue, 1915

wo that one of the reasons why we

(intensely concerned in the submarine

A waged between Germany and the

gre ships of our own with which to

thos Dollars worth of merchandise and the

brib available, that we will lose over Two

met export trade unless merchant ship-

thro and able to carry our goods?

cases is squarely in this country: will we

trol Four Billion Dollar trade with

politi fate or the good will of fighting

Q. shipping in which to carry our

societ they said:

A. arism would, of course, be im-

it. Ma but this does not minimize

Q. the only natural and logical aim

A. emain a nation."

tempt -most of these quotations

writing of the official publications

example what seems to be a white

around empire, and no longer such

into a h or not, to have a navy as

a Bible g for a coast line such as the

"Leading which could uphold the

Hudson such a navy must be at

America," navy. And the first step

I don't k navy is for the American

United Stat manner which is our char-

found in nea rights. The Imperialism

And then, to humanity. He is the

State Chambe He makes beautiful the

moral and physical clean-

but is nevertheless the

if not for the imperialist.

some way a very large

portion of the Earth's land surface and practically has for some time until quite recently controlled the oceans which cover the hidden land surface. There should be no doubt that even with all possible morals, it is the absolute right of a nation to live to its full intensity, to expand, to found colonies, to get richer and richer by any proper means such as armed conquest, commerce, diplomacy."

Q. That is from what issue?

A. That is from November, 1915. This is from February, 1916:

"The financier, the really great one, is worthy of his hire. The pacifist,—the professional politicians, though they possess in their ranks, not a few able captains of industry, considered it as being very dangerous to the country to allow armament makers to have very large profits or to do any lobbying or advertising. The pacifists make it a point to arouse the ever latent prejudice against other peoples' profits, particularly when believed to be enormous. Democracy has certain glorious advantages, but in matters relating to foreign policy and particularly to war, it is extremely incompetent. If the incentive of great profits is not allowed to serve as a motor to great firms, then those firms will not use their full initiative and they will fall into mere shadows of themselves. Very fortunately for themselves in Europe, all the great powers were exceedingly liberal with their armament makers. The only escape we can possibly have from the dreadful incapacity which hangs over us is for some powerful and fearless group of individuals to prod the delinquent, to offer the right people unlimited profits so that they would make too much ammunition, too much navy, too many flying machines—all of which no government of a democracy would do of its own accord."

Then in May, 1916, it says:

"There is only one leaven which can preserve the state and the nation against death dealing inertia for lethargy, both as to soul and body, and that level is a militarism of the French variety."

This is from November, 1916:

"Has the administration given us the truth concerning conditions in Mexico or does it regard the truth as too horrible, too humiliating, too dangerous to be made public? From

we learn of the awful fate that has overtaken
had the temerity to make their
were unable or unwilling to
and escape thence when the pro-
failed them. Why does not the
known how many of these men were
their wives and daughters outraged?
been reported to our officials in Mexico
ashington. Above all, why was our Gov-
unwilling to protect its citizens as other
? We hear that American property
nt to hundreds of millions. Are not
interested in this? It is said that
an and other foreign property losses in
up to tens of millions, and it is
American nation, will be held account-
are free to see to it. Is there noth-
anger that our people should know?
some warning regarding a condition
us in war?

ment in its broad sense demands that
defend the lives and property and
everywhere, on land and sea.
its broad sense, should be capable
and compelling respect for the
citizens wherever they may be

just a paragraph of similar
National Security League.

National Security League deemed
sponsible for its organization?
impossible, except by an
education on a huge scale to
how deplorable our state of
dangers that surrounded us.
has built up an organization
every state of the union, with
anches in cities and towns,
center for the dissemination of

Second, it has secured the co-operation of 17 Governors of states in appointing state committees on national defense to co-operate with the league.

Third, it has distributed over six million pieces of preparedness literature.

That illustrates the kind of material that was being issued and to which I was referring in Section 2.

I would like, in that connection, to read from one of Clyde H. Tavenner's speeches, "The Navy League Unmasked."

Q. Speech delivered in the House of Congress?

A. The speech was delivered in the House of Representatives on December 15th, 1915. Congressman Tavenner makes the statement: "The Navy League would appear to be a little more than a branch office of the house of J. P. Morgan & Company," and then he gives two pages of Navy League connections, and I read just a few.

J. P. Morgan was formerly treasurer of the Navy League and is now a director and contributor.

Herbert L. Satterlee, formerly Assistant Secretary of the Navy Department and a brother-in-law of J. P. Morgan was one of the incorporators and founders of the Navy League.

The late J. P. Morgan was one of the founders and principal contributors to The Navy League.

Edward T. Stotesbury, a member of the firm of J. P. Morgan & Company and a director of the Baldwin Locomotive Works and of 54 other corporations was one of the honorary vice-presidents.

Robert Bacon, formerly Secretary of State and partner of J. P. Morgan & Company, is a director of the Navy League.

Henry C. Frick, a fellow director of J. P. Morgan & Company and director of both the United States Steel Corporation and the National City Bank of New

pri
ma
ho
ab
te
ad
m
T
ar
er
g
l
t
F
M
s
a
i

...sident.
...th J. P. Morgan in the
York, a contributor, con-
...e Navy League:
...r, with J. P. Morgan of
New York, was one of the
...e auspices of The National
...a statement certifying to
League.
...rector of J. P. Morgan &
...al City Bank, among other
...the vice-presidents.
...age of about the same kind.

...gain to President Wilson's
...e here an official copy from
...h he denounced those who
...up war between Mexico and
...e already read that statement
...ecessary to go into anything

...reparedness movement was a
...ess, or big business interests
...were working for it, and it got
...President of the United States
...publicly, although he took no
...atter and I wrote Section 2 to
...the fact that the preparedness
...d by big business organizations
...g business machinery.
...me you may refer to the third

...third section for the purpose of
...usiness interests, having succeeded
...sentiment on preparedness, be-
...e leading business men who had

been owners of the United States resources and machinery and economic life, became the leading patriots, and that they utilized this opportunity to carry on the usual business activity—of making profits.

I have here a bulletin of March 3rd, 1917, from the Wall Street Digest:

"Whether the end of the war comes in the near future or is delayed for a long time, the United States is definitely committed to a preparedness campaign that must assure the prosperity of American industries for a number of years to come. * * *

"The severance of diplomatic relations meant, whether or not it was followed by war, that the United States must make ready for war and that it must make ready at the earliest possible moment. Logically, this means that the vast stores of military supplies to be purchased by the United States Government would be paid for in readily negotiable American money and not in promises to pay such as had been so largely taken in exchange for the vast quantities of stores supplied to the allied governments of Europe in the past 24 months.

"These facts were promptly recognized by the big interests in Wall Street and those interests have been steadily committed to the constructive side of the market in recent weeks, as proved by the fact that while the nation has been on the verge of war with thousands of timid holders of securities seeking to liquidate their holdings, the big interests have been accumulating, with the net result that there has been a general advance in the active issues on the New York Stock Exchange, and a somewhat smaller advance in the stocks traded in on the New York Curb Market.

"The upward movement in the price of stocks dates from the date that the German Ambassador at Washington was handed his passports and although there have been slight temporary reactions, the movement has been fairly continuous from that day to this.

"In addition to the assurance of the prosperity ahead for American industry through the placing of vast orders by the Government to be paid for in American money, there is still another phase of the situation that must not be overlooked. The United States is now definitely committed to the side of the Entente Allies. That makes the ultimate victory assured. There comes the further certainty that they

York, is an ho
Jacob H. Sc
National City
tributed $1,000
J. Ogden Ar
the National
committee, wh
Security Leag
the patriotism
Cleveland H.
Company and
corporations is a
And there is a
This is merely
And I desire
statement, of w
the White Hou
had been tryin
the United Stat
and I do not th
further of deta
In other wo
movement by
they were behi
to such a pitch
had to call the
further action
call your atten
campaign was
and was backe
Q. Now I
section.
A. I wrote
showing that t
in stirring up
came the patri

redeem their promises
financiers were quick to
been active in the stock

one month before we

number of publications. I have
indicating).
from the banking house of
company, which is dated December
October 14th, 1916, in which
same point. In other words
sentiment of the Wall Street

called "Commerce & Finance"
wherein Mr. J. Ogden Armour

the most auspicious period
national prosperity in my mem-
the same attitude.

clippings which I made at
"The Toledo Blade" of
state dealer of Toledo says:

very valuable lesson, a more
War brought. In real estate,
course, and this is no more
money of money and are buying
business standpoint we have
from this war."

or clipping from the same
and this is headed: "War
advertisement by a leading

land is prosperous, France
both countries is better than
The war has made work for

and puts hundreds of millions of dollars in
."

another newspaper advertisement: "Take
an Example" and they show how prosper-
ia has been. This is on the 22nd of May,
they go on and show how prosperous Canada
and show how we will be equally prosperous.
hat do you mean,—by going into the war?
es. That general situation of profiteering
or a statement from Mr. Wilson. That appears
fficial bulletin on July 12th, 1917, and this is
the statement on profiteering is:

ought not to put the acceptance of such prices— (for
ities) on the ground of patriotism. Patriotism has
g to do with profits in a case like this. Patriotism and
s ought never, in the present circumstances to be men-
d together. Patriotism leaves profits out of the ques-
. In these days of our supreme trial, when we are send-
hundreds of thousands of our young men across the seas
serve a great cause, no true man who stays behind to work
them and to sustain them by his labor will ask himself
hat he is personally going to make out of that labor. No
ue patriot will permit himself to take toll of their heroism
n money, or seek to grow rich by the shedding of their
blood. He will give as freely and with as unstained self-
sacrifice as they. When they are giving their lives will he
not at least give his money."

That was the President's appeal to the American manufacturers and miners, specifically and generally an appeal to the profiteers. It was called for by such statements as I have made.

And here is a statement from the United States Secretary of Agriculture dated May 9 1917 in which it accuses the food speculators not only of profiteering but "I am told." he says, "that some of those men are actually in Washington today conducting a lobby against the request of President Wilson that Congress empower him and his cabinet to take the necessary

means to mobilize the agricultural resources of this nation."

And then here I have a statement which I will not read of the war profits made by these same American patriots. That is, the men in The Navy League, the men behind the Navy League, the big men behind the National Security League had been making about a billion dollars a year approximately in war profits during the three years before we entered the war.

The point I wish to make is that on the 12th of July the profiteering had got so bad that the President was compelled to issue an appeal in which he asked those patriots to leave profits out of account because in spite of their blatant patriotism they had been making a huge profit before we entered the war and they continued to make them after we entered the war.

And in this next section, Section 3, I show that the preparedness group was the same group that was in it, to make war profits. The so-called patriots became profiteers.

BY MR. STEDMAN:

Q. I think you can turn to No. 4. I think it is in that where you used the phrase "preposterous phrase 'armed neutrality.'" I think it is in this publication. In what sense did you mean "that preposterous phrase"?

A. Why, in the first place,——

Q. Is that a phrase used by the President? It was, was it not?

A. "Armed neutrality"—in the first place there practically is no such thing as "armed neutrality." There you are facing this situation, that either you are neutral in thought and in act, as Mr. Wilson asked us to be at the beginning of the war, or else you go in and become an ally of one side or the other. When this phrase was used we were supplying arms and

ammunitions and food and other contraband and non-contraband to the allied governments and we were not neutral in any extent in the matter except on the merest technicality. And as Mr. La Follette pointed out in his speech in the Senate:

"That armed neutrality for which the President asked would lead inevitably to war," and in his speech on the 2nd of April, Mr. Wilson admitted that when he said "armed neutrality is ineffectual in fact at best. It is likely only to produce what it was meant to prevent." And as a matter of fact it did produce what it was meant to prevent. It was preposterous in the sense of its being an unreality.

Q. Referring now to Section 5: "The Traitors?"

A. Section 5 is the reverse of Section 3. Section 3 is headed "The Patriots" and Section 5 is headed "The Traitors," and in both instances "patriots" and "traitors" are quoted in the section.

The patriots, as I tried to point out, were the same group that had engineered the preparedness campaign and engineered it as they engineered everything—for profit. Now in Section 5 I am calling your attention to the fact that there were people among the people in the United States who held the opposite view, a number of them who expressed it, and several of them in Congress who took issue with the majority of Congress and with the President on this whole question.

Q. That is, opposed to the entrance into the war?

A. Yes, sir, opposing entering into the war.

Q. And armed neutrality?

A. And among them were the men who had stood out conspicuously for years, as the champions of the people's rights, and they were dubbed "traitors" by the newspapers and by The Security League and by the Defense Society and by The Navy League and other organizations of that type simply because they

mean
natio
An
read
patri
men
Natio
billio
during
The
July t
was c
those
in spit
making
they co
And i
prepare
it, to ma
profiteers
BY M
Q. I t
that wher
'armed ne
In what
phrase"?
A. Why
Q. Is tha
was it not?
A. "Arm
practically is
There you ar
are neutral in
us to be at the
and become an
this phrase was

opposite to our entrance into the

among those?

was one of those.

a Senator?

Congressmen that took that

Senators?

is the exposition of their

the title which was applied to

rather than their own

was applied to them by the press

the other side.

the second division.

the actual process of our

your attention in that sec-

situation of the Allies was

July, 1916, the banking

Company, in their circular,

financial factor in the security

the war financing of the

French loan has been suc-

a specially organized cor-

be followed by a huge

Great Britain will be

no one knows, but her

the end is by no means yet

section, nobody could tell

situation of the Allies was:

statement made in the

I think by Bonar Law,

when allied credit was

economic situation of the

Allies was extreme, being subjected as it was to the effect of the submarine blockade.

Another point I tried to make in this connection was that the American people had voted Mr. Wilson in because he had "kept the faith of neutrality."

I have an advertisment here from the "Pittsburgh Post" of November 6th, 1916, headed "Political Advertisement," and says:

"Are you working, not fighting, alive and happy, not cannon fodder. Wilson and peace with honor or Hughes with Roosevelt and war."

And then they have some other later ones that appear:

"If you want war, vote for Hughes; if you want peace with honor and continued prosperity, vote for Wilson."

That was the day before election. The people of the country very clearly answered to that mandate as will be shown by the following figures. In the election of 1916 Mr. Wilson got a plurality in California of 3,773. In the same state the Republican Governor got 296,815. In Kansas Mr. Wilson got 36,930 plurality. In the same state the Republican Governor got 152,482. In Minnesota Mr. Hughes got 392 plurality but the Republican Governor got 153,729.

In other words, it is pretty clear that the people sent Mr. Wilson back into office because he "kept the faith of neutrality" and because he "kept us out of war," and the billboards were covered at that time with the statement that he had "kept us out of war." And the people sent him back, and then next April we went into the war.

Q. May I direct your attention, perhaps, to another fact: In view of the introduction against the Rand School of the "St. Louis War Program Proclamation" which is in the book which has been submitted here,

took
war.
Q.
A.
Q.
A.
stand.
Q.
A.
Q.
views
them
constit
A.
and by
Q. R
A. T
going in
tion to t
quite seri
house of
stated tha
markets a
Allies. A
cessfully la
poration.
British war
able to stand
resources ar
in sight."

Now, as I s
how serious or
but at that time
British House of
that America ente
exhausted and cert

earing: Isn't it a fact tha
tremendously, due to th
ent Wilson?
fell off from a million to
ve been practically enough
Mr. Nearing say——
is where socialism got bi
this witness claim to hav
off of the socialist vot
in stating this now, being
and the figures show it in
put in evidence here.
the book that we offered
fell off, it is not in the
Mr. Wilson or to any other
ryone in the party knows it,
nows it now.
have any witnesses to prove
ave you call them.
it is utterly immaterial to
here one way or the other.
is not in controversy here,
would agree to that, Mr.
alling attention to it; I was
point that I would like to
this section, and that is the
of National Defense. And
ything I know of, the way
er a capitalistic society is
the people there to do the
s about nine-tenths of the
All the professional peo-

ple, all the managers, officials and heads of industry, all of them together, do not make up more than one-tenth of the population. In spite of that fact, the Council of National Defense contains the names, almost exclusively, of business men.

I called attention particularly in the pamphlet to the committee on oil and the committee on steel and the like.

Q. I think there is one exception, the committee on mines and mining?

A. I didn't remember that.

Q. I didn't know whether you have that in that book or not, I call your attention to it that that is one exception, and on it there were also a number of experts.

MR. BARNES: A large percentage.

MR. STEDMAN: A large percentage, yes.

A. (continuing). In their committees they were forced to call on business men exclusively, so that the active work of carrying on the war business was thrown right into the hands of the same people that had, during the past, managed business. Of necessity, it had to be so, because there was nobody else who knew the game.

Q. And you are citing that, are you, to give that as a matter of information and not as a matter of criticism?

A. That is unavoidable. It is our theory——

Q. You are not criticising that for the method of doing that way, I suppose?

A. I simply use it as an illustration of the way in which the machinery of society must fall back on the business mechanics.

Q. That is what I am referring to and is in other words an explanation of the system that is obliged to be used. Now you refer to Number 7, the Liberty

Loan?

A. Yes, sir.

Q. You spoke down there of two subjects, first of the financing of the war and its necessity?

A. In the first place the Liberty Loan in my judgment was a—or rather the method of the loan, the way it was affected, in my judgment was the wrong way of financing the war. At that time, along with 308 other professors of economics, I signed a memorial to Congress and this is what we said:

"The taxation policy is practicable because the current income of the people, in any case, must pay the war expenditures. By every bond issue the Government increases the prices it must pay and that increases the need of more bonds. If conscription of men is right, conscription of income is more so."

At that time that was the opinion of practically all of the leading economists of the country and was recognized as such.

Q. Will you name just a few of the 308, just generally, from one or two different universities?

A. I don't want to hit anybody in particular, because it is not the popular side now.

Q. All right, Mr. Nearing, their minds have changed since then—I mean their expressions of their minds have changed since then.

A. These men represented all of the universities of the United States.

Q. I say the doctors' minds or their expressions have changed since then?

A. Yes.

Q. And that is the reason for not mentioning them?

A. If I would mention them all, there would be nothing suspicious about it, but if I might name one or two it would look bad for them. I don't want to take the time to name the 308 names.

Q. If Mr. Barnes wants to he can bring that out.

A. That time it was a generally recognized point of view, at that time, I say, that the war should be financed out of income and not by purchasing bonds or by the issuing of bonds.

Q. What date was that?

A. Well, that was in the Spring and Summer. The President in his message on the 6th of April, said: "The war should be financed as largely as possible by the current income." That is the theory on which the economists of the country were united at that time. We believed that it was better to pay as you go than it was to pay your bills by borrowing and laying up debts for another day. To pay as you go, that policy is a safer business policy and a saner business policy, and we thought it was a saner national policy.

Q. They were in line with what they understood the President's suggestion to be?

A. He being one of the college fraternity, naturally had that point of view. Then the other factor that entered in there, in that same connection, was the factor expressed in the editorial that I have here from one of the Scripps-McRea papers of May 26th, 1916, in the Public of October 22nd, 1915. The theory was that if you bond at the present time you bind the future.

The attitude, however, taken by Congress is well illustrated in this Revenue Bill—this is the bill as it was reported from the Committee on Ways and Means on May 9th, 1917. On page 2 they say:

"Your Committee believes that the American people were never in a more favorable condition to pay a reasonable amount of taxes for war purposes in addition to those for normal purposes than at the present time. Your Committee has endeavored to distribute equitably this division of taxation and hope to leave the proposed tax so as to necessitate as little readjustment and disturbance of the business as possible."

And the business interests took that point of view that the war should be financed by bonds just as that had been the same point of view in Europe.

Then we took to the issuing of those bonds, and that is the particular point that I bring out in this section. The business interests used the opportunity to get a kind of a grip on their employees that they had never had before. Up to that time they had never been placed in a position where the employers could dictate to their employees how they should spend their income. Formerly they paid them their salary, their money for their labor and they had no further control of it. Under the Liberty Loan scheme, it became possible for the employer practically to compel his employees to buy bonds, to be "patriotic" as he said, and he became the center of the whole scheme, of the patriotism and the criterion as to the patriotism and that is the reason that I say there that this Liberty Loan, which is the first Liberty Loan—did more to bulwark the position of Big Business as against the employee in their business, than will ever be done for liberty in Europe, because of the fact of the employer being placed in a position where he could dictate to the employee regarding the spending of his own income.

And I know of a number of illustrations,—I gave several here, of men and women who were compelled to buy Liberty Bonds whether they wanted to or whether they were able to.

Q. Now, refer to No. 8.

A. That is the section on conscription?

Q. Yes.

A. I should like to refer in that connection first to a speech made by Daniel Webster on the 9th of December, 1814. He starts out his speech by saying that this is a departure from the American traditions. He says:

"Let us examine the nature and extent of the power which is assumed by the various military measures before us. In the present want of men and money, the secretary of war has proposed to Congress a military conscription.

"For the conquest of Canada, the people will not enlist and if they would the treasury is exhausted and they could not pay. Conscription is chosen as the most promising instrument both of overcoming the reluctance to the service and of subduing the difficulties which arise from the deficiencies of the exchequer."

"Is this," he said, "consistent with the character of a free Government? Is this civil liberty? Is this the real character of our Constitution? No, sir, indeed it is not. The Constitution is libelled, foully libelled, the people of this country has not established for them such a fabric of despotism. The conspirators and the others before us act on the opposite principle. It is their task to raise arbitrary powers by conscription out of a plain written charter of national liberty. It is their pleasing duty to free us of the delusion, which we have fondly cherished that we are the subjects of a mild, free and limited Government, and to demonstrate by a regular chain of premises and conclusions that Government possesses over us a power more tyrannical, more arbitrary, more dangerous, more allied to blood and murder, more full of every form of mischief, more productive of every sort of misery than has been exercised by any civilized government with one exception in modern times."

And then he says:

"The Secretary of War has favored us with an argument on the constitutionality of this power. If the Secretary of War has proved the right of Congress to enact a law enforcing a draft of men out of the militia into the regular army, he will, at any time, be able to prove quite as clearly that Congress has power to create a dictator. The arguments that have helped him in one case will equally help him in the other.

"A free Government, with arbitrary means to administer it, is a contradiction; a free government, without adequate provisions for personal security, is an absurdity; a free government with an uncontrolled power of military conscription, is a solecism, at once the most ridiculous and abominable that ever entered into the head of man."

...ns up with a very brilliant appea
... which he says that if they enf
... be necessary for him to go b
...ments not to acknowledge the th
...

... I collected a speech of the Ho
...eston of Alabama, a member
... January 10th, 1917, on a subject
... is Undemocratic"; and a spe
... Missouri, Speaker of the Hous

...

... do you recall if it was in t
... time, his expression was given
... the conscript with the convicti
...agement of him but in empha
... the service imposed.

...mation of a Missourian there is
... difference between a conscript a
... from the speech by Champ Cla
... man who was a candidate for
... the Democratic Convention in E

... is the speech that Representat
... that I will not read to you, l
... R. Sherwood of Ohio who v
... Civil War and is the only fight
... that is still alive, and he took t
... absolutely opposed to conscripti
... elected or has he been re-elec

... re-elected since then, yes. A
... E. Mason took the same p

... whether or not that is the sa
... Mason who is now Congressman

A. Yes.
Q. Recently re-elected?
A. Yes, sir.
Q. That is last Fall?
A. Yes, sir.
Q. Previously a United States Senator and has three or four sons who have volunteered in the army, do you know that, are you familiar with that?
A. Yes. In other words, at that time, many of the most prominent members in Congress took exactly the same position that I did on the conscription law. They were opposed to the conscription law. They did not believe it belonged in the United States and they were desperately in earnest and violent in their opposition to it.
THE COURT: They took that position in the course of the debate?
THE WITNESS: Yes.
Senator Mason has taken the position since then and that only emphasizes the more the fact that the things he said he thoroughly believed in. Not only, if your Honor please, did he take opportunity to emphasize his views since then, but Senator Mason outside of Congress and in public assemblies and meetings has done the same. And to show another fact, that Congress, or the powers that be, were not exactly satisfied with the law, the authorities required soldiers as a general rule to sign a waiver before being deported for foreign service.
THE COURT: That doesn't prove anything at all. Senator Mason could do what he pleased.
MR. STEDMAN: That is true.
THE COURT: The point of the thing is that all these references as I understand, are here as to debates in Congress and occurred before the passage of the measure, isn't that so?

MR. STEDMAN: Yes.

THE COURT: Very well. Now the article was written after that act had become a law, was it not?

MR. STEDMAN: That is correct.

A. At the same time the conscription was necessary, however undesirable it might be.

I have in my hand here a statement of the enlistments for the year 1916-1917. It is a table showing the number of enlistments and re-enlistments monthly in the line of the army.

MR. BARNES: What date, please?

THE COURT: Let us get the exact date, 1916-1917, did you say?

THE WITNESS: Yes.

(Continuing) The United States entered the war in April, 1917. In March, 1917, 6,000 enlistments. April, 29,027; in May, 39,589; in June, 31,436. In other words, even after the President's appeal which he made immediately following the declaration of war, even after the President's appeal, enlistments were coming in only at the rate of about 30,000 a month or 360,000 a year. So that it was quite evident at that time that through enlistment it would be impossible in a reasonable time to raise an army adequate to the carrying on of the war. Therefore, as I say, conscription became necessary, however uncomfortable it might be to some of the Americans.

However, if I might answer his Honor's question, my own opinion about conscription was not altered by the passage of the law. I still felt about conscription as I did before the passage of the law and that is the reason I wrote this pamphlet as I did.

Q. That section there deals with the history of the passage of the act?

A. Yes. I made the point here that three things were necessary for the carrying out of this war in the

United States:

Money, men and censorship, and that the administration could not carry on a war without money, men and censorship. I talked about the matter of the money, in the Liberty Loan, and I talked about the getting of the men by conscription, and now as to censorship, that will be taken up as indicated in the next section.

Q. There was an agitation for a repeal of the conscription law after it was adopted, was there not?

A. There was agitation for the repeal of the law.

Q. The next you have is No. 9, Censorship. By the way, referring there to paragraph 8, that is the prior one, did you intend at that time to cause or attempt to cause insubordination or disloyalty or refusal of duty within the military and naval forces or service of the United States?

A. I did not, I wanted the American people to know——

Q. I say, just a moment, just a second, I have another question: Did you desire to obstruct the recruiting and enlistment service of the United States to the injury of the service of the United States?

A. I did not, I did not intend to do so. I wanted the American people to understand what was going on.

Q. As you understood it?

A. As I understood it. Now referring to No. 9, as I said a moment ago, there were three things necessary for the successful prosecution of the war; money, men and censorship; and I presented in these sections these three matters.

It has been the attitude of the plutocrat for a long time that we were suffering from an overdose of democracy in the United States: Too much free speech and too much free press, and this war opening, gave

opportunity to indict and convict labor agi-
break up socialist and other radical meet-
meetings of the Non-Partisan League,
avowedly patriotic organization. In
gave the plutocracy a chance to put a
kind of expression which would keep the
democracy informed as to what was going

substantive offenses now—it is under
substantive offenses—you are familiar
fact that a postmaster general or a mail
postmaster, according to the determina-
section, may be able to decide as to the
certain mail matter, that is printed or
matter and decide that it is against this sec-
is going through the mail?

you mention the suppression of various
you know under what provision of the
were suppressed?
understood that they were suppressed under
which gives the postmaster a right to
particular publication non-mailable.
s under the same act that this case is

later section of the same act.
have mentioned some socialist papers here
have mentioned some which by the title
indicate their general character. Do you
"The Rebel" of Texas was a socialist
?
believe it was an agricultural paper.
you know any others than those mentioned
recall any others?
were between 75 and 100 in all, I think.
you recall the names of them or of any

others?

A. There was "The Truth" of Duluth, that was suppressed. It was a labor paper.

Q. And the St. Louis "Labor," do you recall it?

A. The St. Louis "Labor" I think, also, was suppressed. I don't remember off-hand any others that were suppressed before the pamphlet was written. I know that there are others that have been suppressed since.

Q. Anything further you wish to add about Section 9?

A. Except to comment on the fact that at this time public meetings were very generally broken up. Free speech was quite generally denied, and the freedom of the press was very seriously curtailed. The Espionage Act, as it relates to the freedom of the press, was very drastic, more drastic I believe than that of any other nations.

MR. BARNES: I think you are getting a little beyond your depth there.

MR. STEDMAN: Oh, no, I wouldn't say that.

MR. BARNES: Oh, yes you are.

MR. STEDMAN: Not beyond the depth, but perhaps beyond the technical range.

A. Might I say that in other nations the suppression is merely of a part of the papers?

MR. BARNES: You could say that that is your understanding.

THE WITNESS: I have seen the papers.

MR. BARNES: Have you knowledge of all of the laws?

THE WITNESS: No, I have not, but I have seen the papers that have been given to the public for public information.

Q. They were simply striking out parts?

A. Taking out parts.

s country——
whole publication.
s closed to the mails, t
ge was cancelled?
s not true, Mr. Stedman
at is not correct? I think

I differ as to the l
us what the law is?
g to No. 11, I think
als with the theories t
e of the others, but perh

Stedman, that I don't th
any of these last th

The Menace of Militaris
The Menace of Militaris
rth section, only a port
Barnes, and confine yo
that were offered.
think that I read any
"
offered it in evidence.
s hardly anything in it t

u want it out why all rig

about on the same gene

could know what coun
refer to, I could have
if he is not going to
time on it. I am p
aper entirely without a

MR. BARNES: The chances are that I won't probably refer to it in my closing address.

MR. STEDMAN: If you will give me that assurance, I won't go into it.

MR. BARNES: I don't know what I might do when I come to summing up.

Q. You have that paper there?

A. Yes. Might I call your attention in the first place to the quotations on the front?

Q. Yes.

A. I have here a series of five quotations which are used on the front page of "The Menace of Militarism."

"I have come to have a great and wholesome respect for the facts." That is Woodrow Wilson, January 27th, 1917.

"If there is one thing that we love more deeply than another in the United States, it is that every man should have the privilege unmolested and uncriticised, to utter the real convictions of his mind." Woodrow Wilson, January 29th, 1916.

Q. You might state the place as the Soldiers' Memorial Hall, Pittsburgh.

A. The Soldiers' Memorial Hall, Pittsburgh.

"I believe that the weakness of American character is that there are so few growlers and kickers amongst us." Woodrow Wilson in School Review, Volume 7, page 604.

"One thing this country never will endure is a system than can be called militarism." Woodrow Wilson at the Waldorf Astoria, New York, January 27th, 1917.

"We have forgotten the very principle of our origin if we have forgotten how to object, how to resist, how to agitate, how to pull down and build up, even to the extent of revolutionary practices if it be necessary to readjust matters." Woodrow Wilson in School

Volume 7, page 604.

MR. STEDMAN: I don't know anything that can be worse than that.

MR. BARNES: That only illustrates the old maxim that the devil can cite the scriptures to his own purpose.

Q. Now on the interior of that page.

A. There are six definitions of militarism. My own definition is that:

"Militarism is the sway of might, organized for destruction. The militarist applauds the martial virtues, urges military preparedness and military training, glorifies war, defies victory; preaches that right must depend upon might, and thus makes the war-man a greater benefactor to his race than a peace-man."

Is it necessary to do any more than to refer to the sections here?

Q. No unless you have something particular in mind, I want you to go to No. 4, because in that you open with the following:

"They lied to us! Conscientiously, deliberately, with premeditation and malice aforethought, they lied to us! The shepherds of the flock, the bishops of men's souls, the learned ones, the trusted ones—" that is the part that I refer to. Have you any explanation to make in regard to that?

A. Do you wish me to read that section?

Q. Well, I don't know. This is offered in evidence of course and it depends somewhat upon how long it is.

A. It is pretty long.

Q. Just one portion of it, what I have reference to particularly is, in stating "They lied to us." You have stated, I believe, that there are different motives in the war as you understood it.

A. Yes, sir.

Q. And those which regarded, as you have mentioned heretofore, as unavoidable, and others that regarded it purely from the commercial standpoint. Of course even then it was perhaps necessary. With that in mind, do you remember what you did have in mind?

A. This passage deals particularly with the newspapers. On pages 18 and 19, I have the quotations from the Congressional Record of February 9th, 1917, a speech by Mr. Calloway of Texas, in which he charges that the American newspapers were deliberately subsidized in order to create certain results for the great profit of the money-makers.

Q. Have you that portion of that you refer to before you?

A. Yes, sir. This is in Mr. Calloway's statement, dated March, 1915:

"In March 1915, the J. P. Morgan Interests, the steel ship building, the powder interests, and their subsidiary organizations got together 12 men high up in the newspaper world and employed them to select influential newspapers in the United States and a sufficient number of them to control generally the policy of the daily press of the United States. These 12 men worked the problem out by selecting 179 newspapers, and then began by an elimination process to retain only those necessary for the purpose of controlling the general policy of the daily press throughout the country. They found it was only necessary to purchase the control of the greatest papers. The 25 papers were agreed upon, emissaries were sent to purchase the policies, national and international of these papers; and an agreement was reached. The policy of the papers was bought, to be paid for by the month; an editor was furnished for each paper to properly supervise and edit information regarding the questions of preparedness, militarism, financial policies and other things of national and international nature considered vital to the interests of the purchasers.

"This contract is in existence at the present time and it accounts for the news columns of the daily press being filled with all sorts of preparedness arguments and misrepresentations as to the present conditions of the United States

army and navy and the possibility and probability of the United States being attacked by foreign foes."

Congressman Moore of Pennsylvania, on March 17th, 1917, offered a resolution to investigate the whole matter, and the resolution, I believe, died in committee, at any rate it never came to the light of day.

Q. What date was that you said that was, sir?

A. March 17th, 1917, so that they could have aired the thing or exposed the whole thing if they had chosen to. In commenting on that I say:

"After all, the truth or falsity of these charges is of little moment; the great outstanding bitter fact is that the newspapers instead of informing us, lied to us,—consistently."

Whether they were bought as Mr. Calloway contends is not of any importance, they did misrepresent.

Then in the next section I call attention to the fact that I studied the school-boards and the college trustee boards and found from seven-eighths or nine-tenths of their members were business or professional men, and the other sections of the pamphlets, up to Section 9 are very similar to the sections of "The Great Madness" in the same respects.

Sections 9 and 10 vary and differ somewhat. I tried to point out there that the policy of compelling the friendship and the compelling of social organizations through militarism is a mistaken policy. That the purpose of social organization is to bring people together; that you can not bring people together with a gun or a sword, you have got to bring them together on some kind of a basis of co-operation.

Q. In the writing of these articles for the Rand School what were the circumstances under which they were ordered, if you recall?

A. Well these,—this kind of a thing is not ordered as a rule. As a rule, whenever I get up an idea that

seems worth working up, I work it up and then if one publisher won't publish it, I try another.

Q. Did you have in mind at that time inducing men who were in the service to assassinate their officers or their superiors and causing mutiny on account of the declaring of war, that they should go against their superior officers?

A. I did not. I had the idea in mind first in writing this pamphlet as in writing all my books, the one main point of view that I believed in above all other things, and that is the truth. That is, that I believed that most of the people were not getting the truth and I believed if they should have the entire truth which was not being set forth and stated to them in the press, and I considered it a responsibility, to tell them the truth. These pamphlets were written for the purpose of presenting one side of the general situation.

Q. Was it or was it not your intent in writing and publishing the pamphlet "The Great Madness," and I will even include the other literature, although that may make the question objectionable, with the intent of creating insubordination, disloyalty, refusal of duty or mutiny in the military and naval forces of the United States?

A. It was not.

Q. Answer that yes or no?

A. It was not.

Q. Was it your intent by writing "The Great Madness" or the other publications, to obstruct the recruiting or enlistment service of the United States to the injury of the service of the United States?

A. It was not.

Q. And was it your purpose or object to attempt to create insubordination, disloyalty, refusal of duty or mutiny within the military and naval forces of the United States?

A. It was not. Could I say one thing in that connection?

Q. Yes.

A. Democracy is defined—

THE COURT: He has told us about that.

MR. STEDMAN: Unless he wants to explain his answer.

A. May I explain my answer?

THE COURT: It will be elicited by a question. I have been very liberal, as I think I ought to be in this, but this will have to be elicited by questions.

MR. STEDMAN: I do not recall anything further that I have to ask Mr. Nearing.

The Cross Examination

MR. BARNES: Referring to Exhibit No. 5, the pamphlet "The Menace of Militarism," Mr. Nearing, at whose request did you write that or how did you happen to send that to the Rand School for publication?

A. At some time previous to the publication of these two pamphlets, I can not say just when, I remember being in the Rand School and Mr. Karpf asking me if I would write something for the school: I replied that I would try. At that time or previous to that time, since the entrance of the European nations into the war I had been collecting a great deal of material on the war, and our relation to the whole situation. That was the thing then in my mind, it was a thing on which I was speaking and writing, and in the course of events I wrote up this material into a couple of pamphlets and submitted them to the Rand School.

Q. By the way, you know who selected the pictures for the covers for The Menace of Militarism?

A. That I do not remember.

Q. You had nothing to do with that?

A. I can not say, but I am perfectly willing to take responsibility for it.

Q. I don't want you to take any responsibility that does not really belong to you. I want to know whether you picked out this picture, or facsimile of Jesus Christ being shot down by the soldiers in uniform, or suggested that that be put upon the cover of the pamphlet.

A. I do not know.

Q. Now when did you start your activities in opposition to the preparedness movement?

...member definitely but it was
...g of 1916.
...the swing around the country
...Wilson made, or was it about
...?
...ne the American Union against
... group of people to take that
...nt's suggestion, and I was one
...must have engaged very actively
...e that. However, my recollec-
...not clear.
...ed the American Union against

...any official position with the or-

...one time a member of the Exec-

...ect of that organization, I suppose,
...preparedness movement?
...as what its name signified: It was
...to prevent the spirit of militarism

...time it sprung into being, I think
...about the time this preparedness
...der way?
...the time the preparedness move-
...ughly under way, it would be at the
...thereabouts.
...belong to any other organization of
...aster?
... Do you mean previous to the writ-
...amphlets?
...out this time in 1915-1916 prior to our
...e war?
... not.

Q. Your method in writing these pamphlets and the purpose of writing them was I suppose to open the eyes of the people so that they would not follow into the swing of the preparedness movement?

A. I wanted to show the people the real way to prevent militarism and war. I did not believe that the preparedness crowd knew the real way and therefore I tried to present my side of the case.

Q. You didn't want them to follow the way urged by the preparedness crowd?

A. I certainly did not.

Q. You did not want them to prepare for war by large appropriations of money for munitions or for the navy and so forth?

A. I certainly did not.

Q. Or by military training or anything of that sort?

A. Certainly not.

Q. Now after the severance of diplomatic relations with Germany in 1917, Mr. Nearing, did you join or belong to any other organizations whose purpose was to prevent our entering war at that time?

A. The only other organization to which I belonged was the People's Council. Now whether that was previous to the writing of these pamphlets or not I don't remember.

Q. That was, however, after the war, wasn't it?

A. That was organized—really it was organized the first of September, 1917, in Chicago.

Q. And you had a preliminary organization?

A. It was organized I think on the 31st day of May, 1917, the preliminary organization.

Q. 1917?

A. Yes.

Q. You did not belong to any of the Emergency

Peace Federations' movements or anything of that kind?

A. There were two organizations, The Emergency Peace Federation and the American Neutral Conference Committee at that time. Whether my name is on the letter-head of the Emergency Peace Federation or not I don't remember, but if it is not I should have been rather glad to have it there.

Q. We have found out in this city that the appearing of a name on a letterhead does not necessarily mean that the person belongs to an organization. So far as you know you had nothing to do with that society?

A. Yes, I spoke for them.

Q. Oh, you spoke for them?

A. Yes.

Q. And you are then of course in sympathy with their purposes for peace?

A. Certainly.

Q. You desired that we would not enter the war against Germany even after the severance of diplomatic relations?

A. I desired that we should not enter into any war and not this war.

Q. Do you remember the date on which Congress passed the resolution recognizing that a state of war existed with the German Empire?

A. April 6th, 1917.

Q. Now do you remember the date on which the Seven Billion Dollar loan was passed or authorized?

A. I do not.

Q. About the end of April, wasn't it, 1917?

A. No answer.

Q. You have looked at the World Almanac?

A. Yes, sir, I have a copy.

Q. You recognize it as a dispenser of capitalistic

information?

A. No answer.

Q. A reliable dispensor of information?

A. It is a reliable authority on points of this character, yes, sir.

Q. And it appears here from page 202 that this statute became a law on April 24th, 1917. That is the law under which the Liberty Loans were floated?

A. Yes.

Q. Did you engage in any active operation in opposition to the passage of this act of April 24th, 1917 for raising money for the war?

A. I think I did. I think I made—I think I remember making a speech in Newark, New Jersey, in which I opposed the method of war finance used; I certainly felt opposed to that method of war finance.

Q. You felt opposed to any method of war financing?

A. I felt opposed to any war.

Q. Well, we were at war at this time when you say you opposed the particular proposition that was then before Congress, the raising of money by the issuance of bonds.

A. Before we entered the war I believed that we should keep out of it. After we got into the war, I believed that we should get out of it with as little damage as possible and I regarded the issue of bonds as a method of throwing the burden of the war over onto the future. And I believed that the current income in the present generation should pay the costs of the war.

Q. Well, my question was directed as to whether or not you took any active part in the opposition to the Act of April 24th, 1917. I understood you to say that you made a speech in Newark; was that correct?

A. I believe I made a speech—I am sorry to appear

not clear on these points, but I have made about 200 speeches a year in the past two years and I can not be sure where and when I said these things. But I certainly may be understood as very emphatic in saying that I was then and am now opposed to issuing bonds as a method of raising revenue.

Q. Now, after this bill was passed, the next question—big question before Congress, was the selective service act, was it not?

A. Yes.

Q. Did you take part in any opposition or any movement to prevent the raising of an army?

A. I spoke against the passage of a conscription act and wrote against it in these pamphlets.

Q. Now, at the time you made these speeches in opposition to the passage of the Conscription Act, were you speaking under the auspices of any society then?

A. I probably spoke for the American Union Against Militarism although I would not be sure.

Q. Where did you deliver those speeches?

A. Well, sir, I spoke all over the United States.

Q. That act was passed on the 18th of May, was it not?

A. The conscription act?

Q. This selective—this act or the conscription act?

A. I am not certain.

Q. About that date?

THE COURT: That was the date.

Q. That was the date. Are you familiar with its provisions?

A. Yes, sir.

Q. When did you make your arrangements to join the Rand School faculty or give lectures to them during the following season, about what date were those arrangements made?

A. Well, I had been lecturing for them for two or three years, and I do not remember. It was taken for granted that I would come back and lecture each year.

Q. Had you been lecturing for them in the same—with the same frequency prior to 1917, that you did during the season of 1917 and 1918?

A. Well, no, because previous to that I had lived in Philadelphia or in Toledo, and in the Fall of 1917, I came to New York, and therefore I was able to give more courses at the school than I had ever been able to give before.

Q. You spoke about The People's Council; when was the preliminary organization of The People's Council arranged for?

A. May 31st, 1917.

Q. And were you one of the founders of that?

A. I was one of the speakers at their meeting and I think I was a member of their executive committee although I am not certain on that point. I certainly approved of—

Q. Didn't you become the chairman, practically?

A. September 16th, 1917.

Q. And you did prepare, did you not, an outline for the organization of The People's Council?

A. I did.

Q. And what was the announced purpose of the People's Council?

A. There were three different purposes: The first one was to secure a statement of peace terms, of war aims; the second was to preserve civil liberties; the third, was to safeguard economic and industrial standards and rights.

Q. I call your attention to Bulletin No. 4 of The People's Council which is dated September 1st, 1917 and I ask you if you are familiar with that address signed by the executive committee? (Handing paper

to witness.) Perhaps I am getting ahead of my story.

A. I just as leave answer your question.

Q. I know you would. When you say that the immediate business of The People's Council, was not for the opening of negotiations for peace, have you any reference to any particular period of time?

A. Yes, you asked me about the plan that I drew up in May.

Q. In May, oh, I see. The purpose was then of having the country state their peace terms in order to obtain peace, was it not?

A. Yes, sir, in order to bring about the beginning of peace negotiations.

Q. What was the theory of the people in The People's Conference, was not that something modeled along the lines of the Working Men's Council of Russia?

A. The theory of The People's Council as I understood it was that the Liberal and Radical elements of the country should get together and express their opinions in coherent form just as the banking and business houses of the country had gotten together in the preparedness campaign and expressed their point of view.

Q. Well, doctor, is it also a fact, that they were to be in continuous session, or it was to remain in continuous session during the war?

A. Yes, sir, I think we used the phrase in relation to that as a "parliament of the people." That was a phrase used by Mr. Wilson in the New Freedom.

Q. Did you join any other society springing up after our entrance into the war?

A. I do not remember. I do not remember whether I was a member of the executive committee of the Civil Liberties Bureau at any time, I may have been, but I am not certain. I might say that I joined the

Socialist Party, is that what you are after?

Q. I am not after anything. Did you—don't call the Socialist Party a party—well, I am speaking really with reference to parties that sprung up after the war; that was in existence before the war. What was this National Civil Liberties Bureau, that you don't know whether you were or were not a member of?

A. The National Civil Liberties Bureau, was an organization of private citizens who believed that the First Amendment to the Constitution should be enforced.

Q. We are not all constitutional lawyers, tell us what the first amendment to the Constitution is?

A. Congress shall make no law respecting the establishment of religion or abridging the freedom of speech or press or the rights of the people, to assemble and petition Congress for a redress of their grievances.

Q. You say the National Civil Liberties Bureau, devoted its activities to seeing that Congress should not make such a law, or did it devote its activities to opposing such laws as Congress had enacted that in its judgment were in violation of that Amendment?

A. As I recollect, The National Civil Liberties views at that time, they were devoted exclusively to the protection of civil liberties as guaranteed under that First Amendment.

Q. Its conception of that?

A. Yes, or understanding of it, yes, sir, and it reads very plainly.

Q. And that embraced, did it not, handling cases of the Conscientious Objector?

A. It did.

Q. And also of the soap-box orator?

A. Yes, sir. And the suppressions of newspapers and the suppressions of assemblies and of the suppression and prosecution of petitioners.

Q. In fact, any curtailment of the ordinary civil liberties which were enjoyed in times of peace. It was the purpose of this society insofar as the curtailment concerned the matters mentioned in the Amendment to the Constitution, it was the purpose of this Society to fight?

A. It was the purpose of the Society to insist upon the enjoyment of the liberties guaranteed under the Constitution.

Q. And it opposed any curtailment of the customary right of free speech and the customary right of assemblage and those other things?

A. That is a negative purpose. Its purpose was positive. It was to insist upon the rights of free speech and free assemblage.

Q. When did you join the Socialist Party?

A. July 1st, 1917. I did not join before that time because I had taught school up to that time and I believed that a teacher should not be a propagandist.

Q. You are teaching school now?

A. Incidentally I am lecturing, yes.

Q. Is not lecturing teaching?

A. Yes, sir, and so is writing.

Q. Well, you did sign, then, I take it, an original application just like this here?

A. I signed the application blank and I did join the Socialist Party on the 1st of July, 1917.

MR. BARNES: I offer this in evidence.

MR. STEDMAN: It is objected to as utterly incompetent and immaterial. I do not see that it meets any issue in this case, whether he joined that party or the prohibition party.

THE COURT: What is the theory, Mr. Barnes?

MR. BARNES: The theory is that the gentleman joined the Socialist Party and consented to the sentiments contained in the application which stated "in

all my political actions as a member of the Socialist Party, I agree to be guided by the constitution and platform of that party," and we have shown what the constitution and platform of the party were with regard to war, and as adopted at the Convention in April, 1917.

MR. STEDMAN: I have the right to say something on it and before I do I have the right to see what you are offering. I have not seen this card.

MR. BARNES: Have you never seen that before? I am astonished.

MR. STEDMAN: No, I never saw this card before so your astonishment may continue.

Q. Now, then, you joined the Socialist Party on the first of July; did you read the majority resolution of that Party as promulgated at the St. Louis convention April, 1917?

A. I did.

Q. Did you approve of it?

A. With one exception I did and that one exception is the clause—

MR. STEDMAN: Just one second, you are asked a question that calls for yes or no answer to that question.

MR. BARNES: However, I will not insist upon my offer if Mr. Stedman insists on his objection, and I insist on the witness' answering yes or no.

THE COURT: He said, "with one exception I did," and that is an answer.

MR. BARNES: I am going to try to find out what that exception is.

A. I will tell you what the exception was if you want me to.

Q. I would rather come to it in my own good time.

A. I beg your pardon.

Q. Did you vote in favor of the adoption of the

referendum?

if I had been—

THE COURT: Wait now, you have answered

Now, if the Court please, I don't or my adversary to get up here and while he is under cross-examina-

THE COURT: The Government is right—

MR. NEUMAN: The Government is right, yes, to his question, but I object to answers, whether it is from my client or

THE COURT: Is that the conclusion of the volun- you don't like it? You can move to strike it

MR. NEUMAN: And I do move to strike it out, answered part.

THE COURT: That is a classic method.

MR. NEUMAN: I believe in the conscription sys- and the volunteer!

Q. You say, Mr. Nearing, that while you did not vote for the adopting of it, you would have done so if you had been in Toledo at the present time?

A. If I had had an opportunity to have done so, I certainly should have done so.

Q. The next thing, now, going back over some of those have you a copy of the American Labor Year Book?

A. Yes, sir, I have. Are you going to question me on the majority platform question as it occurs in that Labor Year Book?

Q. On the majority resolution in that Labor Year Book. Now referring, Mr. Nearing, to page 50 of the Year Book, the first paragraph:

"The Socialist Party of the United States in the

present grave crisis, solemnly reaffirms its allegiance to the principle of internationalism and working class solidarity, the world over." What did you understand by the principle of "internationalism and working class solidarity the world over?"

A. Why, I understood that to be a declaration of a social antagonism between the owning class and the working class, and the desirability of the workers standing by their own crowd.

Q. Reading further: "And proclaims its unalterable opposition to the war just declared by the Government of the United States." Did you approve of that?

A. I did.

Q. And did that represent your individual position during the Summer of 1917?

A. I was opposed to this war and all wars.

Q. And you were unalterably opposed to it?

A. Unalterably opposed to this war and to all wars.

Q. On the next page, on page 51, in the second paragraph: "We therefore call upon the workers of all countries to refuse support to their Governments in their wars." Did you approve of that?

A. Yes, sir. I do not believe that a working man has any right to fight in a capitalistic or any other war.

Q. And you regard this as such a war?

A. As a capitalists' war, a war between capitalist nations.

Q. And then just below that: "As against the false doctrine of national patriotism." What did you mean by that or what did you understand that meant?

A. I understood that whenever a man's fealty to a group reaches a stage where it compels him to go out and destroy another group, it is a false and pernicious and insidious social doctrine. That is the old

standard of countries dealing with feudisms, and it is the present standard that makes warfare between nations and it is the disintegrating social influence which we are trying to combat.

Q. That is whenever a man's fealty to his country, that is to his own particular nation to which he belongs leads him to a point that he wants to go out and whip the people belonging to another nation, you feel that that is a false sentiment and doctrine?

A. Any social standard that leads one man to raise his hand against—in violence against—any other man is a false standard and doctrine.

Q. May a class war lead a man to raise his hand in violence against the capitalistic class?

A. At that point I disapprove of it.

Q. At that point you are a pacifist socialist?

A. I am a pacifist, yes.

Q. You are a pacifist even to class struggles?

A. I am a pacifist in that I believe that no man has a right to do violence to any other man.

Q. Even in a class struggle?

A. Under no circumstances.

Q. Just below that, "in support of capitalism we will not willingly give a single life or a single dollar." Did you approve of that?

A. I did. I believed that workers had nothing in common with the capitalist system.

Q. You mean as applied to the situation in 1917, that that would mean that you would not volunteer in the army and that you would not subscribe to liberty loans and so forth?

A. I mean that I would not be willing to support a capitalistic war.

Q. Can not you answer whether that meant those specific things: volunteering in the army and subscribing to the liberty loans?

A. Are you asking what it meant to me?

Q. Yes.

A. It meant to me that I would not volunteer for the army and that I would not subscribe to liberty bonds.

Q. And it was that position that you felt that other persons should take?

A. Each man has a right to do—to take his own position. That was what that platform meant to me.

Q. And that is what you were working for?

A. That is the thing in which I believed and the thing for which I am still working.

Q. And were working in 1917?

A. And was working in 1917, and before that.

BY THE COURT:

Q. Did that include a desire on your part to impress your views in that regard on others?

A. Only insofar as others were interested in my views.

Q. Well, that answer is not very clear. You expressed certain views. Did you desire to impress those views on others?

A. Yes, sir, else I should not have spoken and written. I did not desire to force them upon others.

Q. I didn't say "force." I mean impress it on others?

A. Well, the word "impress" is not so clear. I desired to place that before other people for their acceptance or rejection.

BY MR. BARNES:

Q. But you desired to persuade them to their acceptance did you not?

A. If possible, yes. That is the purpose of teaching.

Q. Page 52: "We brand the declaration of war by our Government as a crime against the people of the

nations of the world.'
ment?
to it as incompetent
agrees with it or not.
that it does not go to
ent and certainly does not
inly not an issue in this
apparent to me why he
ems.
glad.
you are trying the Socialist
are doing here, you are at-
st Party.
not at all.
that is perfectly apparent
you are attempting to do.
to make clear by previous
is merely calling for the
it does not call for an inter-
because the language pre-
and very clear. It is not, as
a trial of any party, it is a
counsel on cross-examina-
of the view of the defendant
he having been permitted
so to explain the meaning
the Great Madness." Now if it
construction of the paper but simply
from the witness as to whether
statement or not, and as the state-
I will allow the question.
any declaration of war as a
race.
sentence: "In all modern history
more unjustifiable than the war
to engage." Did you agree

A. I did, because the more intelligent people become the less justifiable does war become.

Q. And the next sentence: "No greater dishonor has ever been forced upon a people than that which the capitalist class is forcing upon this nation against its will." Did you agree with that sentiment?

A. Yes.

Q. And the next sentence: "In harmony with these principles, the Socialist Party emphatically rejects the proposal that in time of war the workers should suspend their struggle for better conditions." Did you agree with that?

A. Certainly, because I regard war as an incident to the economic struggle, and the economic struggle as fundamental and continuous.

Q. And the next clause: "The acute situation created by war calls for an even more vigorous prosecution of the class struggle." Did you agree with that?

A. Yes, sir, if you interpret the "class struggle" to mean the struggle of the workers to better their economic conditions under which they are laboring.

Q. That is a struggle against the capitalists?

A. A struggle against the capitalists.

Q. There are certain recommendations here: "We recommend to the workers and pledge ourselves to the following course of action:

1. Continuous, active and public opposition to the war through demonstrations, mass petitions and all other means within our power." Did you agree with that?

A. Yes, sir. I believe that we should have used all legal means to bring the war to a speedy conclusion.

Q. Do you find anything in there about "legal means," any limitations to "legal means?"

A. It says "within our power," and the Socialist Party has always taken the position that it acts within the law.

Q. "Unyielding opposition to all proposed legislation for military or industrial conscription. Should such conscription be forced upon the people we pledge ourselves to continuous efforts for the repeal of such laws and to the support of all mass movements in opposition to conscription." Did you approve of that?

A. So long as the "mass movements" were legal, yes.

Q. What do you mean by "mass movements?"

MR. STEDMAN: I object if your Honor please, a mass is always distinguishable from individual action, it is plain from the language.

Q. You would like to explain what you mean by mass movements, wouldn't you?

A. I would like to have an opportunity to answer all of your questions fully and frankly.

Q. I think you are answering them very fully and frankly. Now I am asking you, would not you like an opportunity to tell these 12 gentlemen of the Jury what you meant, what you understood by the meaning of "mass movement" in opposition to conscription when you approved of it?

A. You mean would I like to answer that question?

Q. Yes.

A. I certainly would.

MR. BARNES: Now, Mr. Stedman, won't you please let your client answer the question?

MR. STEDMAN: My client will be retaining him in a little while.

Q. Now tell us what you mean by "mass movements" and what you understood "mass movements" in opposition to conscription meant?

THE COURT: Silence on the part of counsel?

MR. STEDMAN: I said that my client would be [illegible]aining him in a little while, your Honor.

MR. BARNES: The Court wants to know if you [illegible]ithdraw your objection.

MR. STEDMAN: No I think I shall let it stand.

THE COURT: Objection sustained.

MR. BARNES: You'd better get another lawyer.

Q. Now, Mr. Nearing, let us turn over to page 377, where we have the "Socialist Party platform" and then turn over particularly to the place with reference to immediate program, and with particular reference to paragraph No. 6—I will read the introduction first:

"The following are measures which we believe of immediate practical importance and for which we wage an especially energetic campaign.

"6. Resistance to compulsory military training and to the conscription of life and labor." Did you approve of that?

A. I did as a policy of objecting to a policy. In other words, I thought the policy of military training and the conscription of life and labor was a bad social policy.

Q. And did you approve of the next paragraph: "Repudiation of war debts?"

A. Emphatically, yes.

Q. Now you are familiar with the first liberty loan campaign?

A. Yes, sir.

Q. And that took place during the first part of June, 1917?

A. That, I do not remember.

Q. Well, it took place before you wrote this book?

A. It did.

Q. And you regarded the liberty loan, of course, as a war debt?

A. I regarded it as a war debt and as a financial mistake.

Q. But it had a great many subscribers?

A. It had a great many.

Q. It had a great many. Do you approve of the repudiation of that loan?

A. As a socialist, I approve of the confiscation of all forms of property which enables one man to live without work on another man's labor, and that includes the liberty loan or any other form of bonded indebtedness.

Q. The question is whether you approved of the repudiation of the loan, the loan having been floated or made, or whatever you choose to call it, prior to the writing or printing and distribution of "The Great Madness."

THE WITNESS: Well, I was asked here sir, regarding this statement No. 7, "repudiation of war debts." I regard that as the essential thing for all of the peoples of the world to do, including the peoples of the United States.

Q. The liberty loan was a war debt, was it not?

A. It was.

Q. And when you approved of this plank in the "immediate program" you approved of the repudiation of the liberty loan among other debts?

A. Of that and all other war debts, and all debts of a similar nature. In other words, I am not objecting to that because they are war debts, I am objecting to that because they are a form of property which enables one man to live parasitically on another man's labor.

Q. Now on the first page we have three quotations, one from Mohammed and two from his Modern Disciple John Reed. Did you select those quotations?

A. I did. I might say, sir, that the title of the

mphlet was suggested to me because of a speech by esident Wilson, at Kansas City, in which he said, adness has entered into all things," and that sug-sted to me this title.

Q. Was he speaking of Europe or America at that me?

A. He was speaking of Europe at that time. That as before America got the madness.

Q. Now, at the end of the first paragraph you say, is is on page 5: "The American plutocracy urged e war, shouted for it, demanded it, insisted upon it nd finally got it." Now tell us just what you meant y the American plutocracy as used in that sentence?

A. By the American plutocracy, I meant the small group of men who exercise the authority in affairs of economic, social and other forms of American life.

Q. Well, now, you say here, going back to page 5, "American plutocracy urged the war, shouted for it, demanded it, insisted upon it and finally got it"; did you mean by that, that for selfish reasons big business wanted to have us get into the war?

A. Why, after a certain point, yes. That is after the Big Business interests were so involved with the Allied credit that nothing except our entrance into the war would prevent the smash of the Allied credit machine.

Q. Now what date would you place that?

A. I read some documents yesterday which indicated that it was some time along in the early part of 1917, or late 1916. It was very difficult then, to get any information at all about the situation.

Q. This preparedness campaign you told us about was in the Fall of 1916?

A. 1915-1916.

Q. At that stage do you think that Big Business wanted us to get into the war?

A. Probably not.

Q. Probably not?

A. Because at that time Big Business was primarily interested in the South American and Central American and West Indian markets.

Q. That is what it was after at that time?

A. Yes, sir; that is at the time when President Wilson, issued his Mexican manifesto to which I referred yesterday.

Q. You are satisfied that Big Business at that time did not want us to go into the war?

A. No, I don't think it did, I don't think it was to the interest of business men then to go into the war.

Q. And that is why you think they did not want us to?

A. Well, as I regard the economic control, as I say here in the pamphlet they are just like other people, they are out to make profits and they will do the thing that will make the most profit.

Q. That is what they are primarily out after?

A. They are primarily out for profits, they are not in business for their health, as they say.

Q. Well, now, getting down to the Spring of 1917, and the Fall of 1916; at that time was it your idea that American big business wanted us to get into the war?

A. Yes, sir, at the point where allied credit was reaching the breaking point.

Q. And that it wanted us to get into the war for their own selfish interests?

A. For their own selfish reasons? Yes, sir.

Q. Then you say, the business interests realize that war is barbarous and they would avoid it if they possibly could. They also believe that there are some things worse than war: "the confiscation of special privileges, the abolition of unearned income; the over-

row of the economic parasitism; the establishment f industrial democracy." That is your idea of why e 2% of the people wanted us to go, or were willing at we should go, into the war?

A. Not necessarily, that is my idea of the reason hy the plutocracy was willing to take war if necesary. There is a definite ruling class psychology that ominates not only the rulers themselves, but those who work intimately with them in their affairs and hat includes the professional group very often. I believe that the members of the capitalist class as a rule would prefer war to the disestablishment of capitalism.

Q. What political party advocated the calamities that you mentioned here, that is: "industrial democracy" and the "overthrow of economic parasitism," and the "abolition of unearned income" and "confiscation of special privileges?"

A. That is the platform of the Socialists the world over.

Q. And it is a platform that is peculiar to the Socialist Party, isn't it?

A. Yes, sir, that is what the Socialist Party stands for: the disestablishment of the capitalistic system.

Q. Your argument was practically or is practically that the capitalists, as a matter of fact, would welcome a war to save them from the calamities defined by the Socialist Party?

A. I say the capitalistic classes would undoubtedly; and I believe that the capitalists did that in Germany and in certain other European countries.

Q. You think they did it here?

A. No, the Socialist Party here is not a sufficient factor to be dangerous in that sense.

Q. So that you do not feel that in this country the capitalist class was afraid of the Socialist Party?

A. Not yet.
Q. Not at that time?
A. No, sir.
Q. I am speaking of 1917?
A. No, sir.

THE COURT: (Addressing spectators) Gentlemen, let us not overstep the bounds of decorum. I have stated before that I am pretty liberal, but you can smile without making a noise about it.

Q. As a matter of fact, the Socialist Party has been going backwards, had it not, for three or four years, as far as membership was concerned, prior to 1917?

A. I can not answer that. I do not know.

Q. Look at your Year Book, page 336, and you will find at the top of page 336, the percentage of socialist vote of the total vote, and then in 1912 it was 5 9/10%, whereas in 1916, it was only 3 2/10%?

A. Yes, sir, that is when the Socialists voted for Mr. Wilson because "he kept us out of the war."

Q. Do you mean to say the Socialists voted for Mr. Wilson?

A. Many of them.

Q. Haven't you a rule in the Socialist Party, that you have got to swear that you are going to stand by the Socialist Party candidate, you are going to support the Party candidate?

A. That is like all other rules.

Q. You do not follow your own rules?

A. Well, we try to.

Q. Now further down on the same page: "The wealth of the country was vast, enough to feed, clothe, house and educate every boy and girl; enough to give all of the necessities and most of the simple comforts of life to every family. The plutocrats were not interested in these matters however." Whom do you mean

by the plutocrats when you say as you do there those things and use that expression?

A. I mean the ruling power in the country.

Q. And you mean men of great wealth like Rockefeller?

A. I mean the men who were dominating and directing economically, the public affairs.

Q. Do you mean to say that those men were not interested in educational and charitable institutions?

A. Well, educational and charitable institutions are merely plasters and poultices to keep this kind of thing going. I do not regard the contributing to charities as sympathetic; I just regard them as a sort of social fire insurance.

Q. In other words, when you used that term "plutocrats" and said that they were not interested in these affairs, however, and after referring to food and clothing and housing and educating people, you meant merely that they were not interested in doing it in your particular way?

A. No, sir.

MR. STEDMAN: Mr. Nearing, you answer so quickly, I don't have a chance to object and I want to make an objection to the last question.

I ask your Honor, that the witness' last answer be stricken out, as I want a ruling on this line of questions, and I either get caught by the inability to tell when the prosecution has finished a question, or by the football rush of the witness to answer.

Q. On page 11 of the second paragraph you say: "Aggressive Germany was the danger mark. It was against her infamous desire to impose kultur upon the world that America was urged to prepare herself. It was for this purpose that the President signed a bill during the Summer of 1916, appropriating $662,000,000 for the army and navy, a sum larger than had ever

before been appropriated for war purposes by a nation in times of peace. Well might LaFollette claim in his speech of July 19th to 20th, 1916, opposing this appropriation: 'I object, Mr. President, to a game, a plan, a conspiracy, to force upon this country a big army and a big navy to use the treasury of the country, and if need be, the lives of its people, to make good the foreign speculations of a few unscrupulous masters of finance.'"

Now that was of course after Mr. Tavenner had made his speech and Mr. LaFollette had made his objections, that Congress passed this legislation, was it not?

A. Yes, sir.

Q. And was it your idea that Congress, in passing legislation and the President in signing it, were acting in bad faith or that they were not intelligent enough to see the real situation?

A. I disagree with them as a matter of policy. I regarded this as the beginning of a system of militarism for the United States. I think that subsequent events have more than justified my anticipation.

Q. You do not think though that they were acting in bad faith?

A. No, I think they were acting as the imperialists tried to get them to act.

Q. And you think they merely could not see the real truth as you saw it?

A. I don't know whether they could see the real truth or not; they were acting in conformity with imperialistic policy.

Q. And you think Congress and the President then in passing this legislation were acting truly as to what they really believed?

A. The President had declared emphatically again and again against this kind of policy.

Q. Can not you answer that question yes or no?

A. I don't know whether he has changed his mind, I am not the interpreter of the President's conscience or my own.

Q. Then you don't know?

A. And I never impute or never made it a point to give bad motives to people.

Q. You don't know?

A. I don't know anything about his motives.

Q. You haven't imputed bad motives to the plutocrats throughout this pamphlet?

A. I don't think so, I think I am characterizing their actions.

Q. Did not you tell us a little while ago you didn't think plutocrats were in business for anything except what they could get out of it?

A. I think that the capitalist system is influenced often and mostly by profits, and I think the plutocrats as a whole are influenced similarly under a capitalistic system. There seems to be no difference between them in that way.

Q. And that is the only thing?

A. That is the major factor in controlling their decisions.

Q. Is not that the only factor?

A. Certainly not.

Q. There are certain other factors?

A. There are certain other factors, but that is the major factor: the economic factor is usually the major factor in controlling public affairs.

Q. Now in the next chapter we deal with "patriots" and on page 12 you say: "The price of flags rose rapidly. Nevertheless the workers by hundreds of thousands contributed," that all being in quotation marks,——"to provide flags for the establishments in which they were employed. Men were discharged

when they refused to make such contributions." How many instances now to your personal observation do you know of men who were discharged from employment because they refused to contribute toward the buying of a flag?

A. I knew of three men in one department of one factory; I knew of several scattered instances in other shops and factories.

Q. Well, how many would you say, three men in one department?

A. Perhaps a dozen instances come to my mind, but this says that "men were discharged" and if two of them had been discharged, that would have justified that statement.

Q. You think that statement was then justified by that?

A. I certainly do, if two only had been discharged. "Two" is "men."

Q. Literally you are accurate. Now in the next paragraph, doctor, you say: "The business interests were in clover. After years of unpopularity, after being forced to endure investigation, criticism and antagonistic legislation, after being condemned by even the conservative element in public life as a menace to American progress and well being." Will you name some of the members of the conservative element in public life who denounced the business interests as a menace to American progress and well being? Give us the conservative ones, please.

A. I would say Mr. Cummins, Mr. Borah and Mr. Roosevelt and Mr. Wilson—particularly in those phrases that I quoted from him yesterday.

Q. And those were the men whom you regarded as the members of the conservative element in public life?

A. Decidedly conservative. I would not call them

Bourbons or Tories, but they are decidedly conservative.

Q. And a little later you say: "The plutocratic brand of patriotism won the endorsement of the press," enumerating a number of others. This "plutocratic brand of patriotism," I wish you would distinguish that from the democratic brand of patriotism.

A. The plutocratic brand of patriotism was the brand that made patriotism, loyalty to imperialistic designs and the imperialistic policies, and having entered on this propaganda campaign, it was one of the avenues toward imperialism, and plutocrats and patriotism mean loyalty to imperialistic policy and in my judgment that is not patriotism at all.

Q. Then it is your judgment that the patriotism advocated by the preparedness advocates, and the patriotism advocated after we entered the war, by the president, was this plutocratic brand of patriotism, that is, a patriotism devoted to imperialistic policies of this Government?

A. That brand of patriotism which is satisfactory to J. P. Morgan & Company and the Standard Oil Company and the United States Steel Corporation, is plutocratic patriotism, and that was the brand to which I am referring, and it is not the brand to which I adhere or subscribe.

Q. That was also the brand that the country adopted generally?

A. That was the brand; yes, sir.

Q. That is the imperialistic brand, imperialistic ideas?

A. The imperialistic—the war is a part of the imperialistic policy.

Q. That is your idea then, that the support of the war, just as the country has given it, is in support of a war carrying out an imperialistic policy?

A. Yes, the policy of imperialism. As far as the rank and file of the people is concerned, they were simply patriotic and ignorant, they were patriotic and enthusiastic, and they did not understand what they were trying to support.

Q. Now on the next page you say, at the bottom of the page:

"The American plutocracy was magnified, deified and consecrated to the task of making the world safe for democracy. The brigands had turned saints, and were conducting a campaign to raise $100,000,000 for the Red Cross."

Did you contribute to the Red Cross?

A. I did not.

Q. Either before we went into the war or after?

A. I never contribute to any private or philanthropic or charitable institution. I regard philanthropy and charity in every form as merely making the great crimes, the crying crimes of the capitalistic system more endurable, and I do not care to help make it any more endurable. I regard the Red Cross as a method of making war more endurable and I do not care to make war more endurable, because it is a crime.

Q. Was it your idea,—will you say that this campaign was directed by H. P. Davison, one of the leading members of the firm of J. P. Morgan & Company —was it your idea that his service in directing this campaign was in pursuance of the plutocracy's conspiracy to draw us into the war?

A. No, sir. I make the point through this pamphlet that the business interests fought for the war, and when the war came on, the leading business men of the country were put in charge of all of the important ventures in which we were engaged, and this is one of the ventures.

Q. Wasn't this before we went into the war that

Mr. Davison took charge of the Red Cross?

A. No, I cannot answer that, I know he was in it after we went into the war also. He may have taken charge at any time before we went into the war. That would merely prove that plutocracy was behind the Red Cross, knowing that the firm of J. P. Morgan & Company were engaged in these big business ventures. That was a big venture in the Red Cross, as the Red Cross is interested in this war and Big Business is interested in the Red Cross as Big Business is interested in the Charity Organization Society and other philanthropic endeavors.

Q. On the next page, on page 14, in the third sentence, under "Armed Neutrality" you say:

"Meanwhile the British fleet blockaded Germany, closed the North Sea, sowed it with mines, and refused to permit American manufacturers to sell goods to the Central Powers. This constituted a brazen violation of international law."

Was the blockade—did you mean by that that you declared that the blockade was a brazen violation of international law?

A. No, but to sow the North Sea with mines was a violation, as I understand international law.

Q. How do you know that those mines were sowed there by the British fleet?

A. Well, you will find an excellent summary of that according to the facts contained in the speech of Senator LaFollette on April 4th, also in the speech of General Sherwood, about that same time. I have the speech here.

Q. That was the source of your information, was it?

MR. STEDMAN: The President stated it.

MR. BARNES: Mr. Stedman, please wait until you are under oath.

Q. That was the source of your information?

A. I don't remember sir, but these are authorities upon which I would rest my case.

Q. Those are the authorities upon which you made these statements?

A. I just—I stated I would be glad to rest my case on them. I cannot remember whether they were or not. I have the reference here. I have got the reference to the sources of information.

Q. Then do you declare that the blockade on Germany was one of the brazen violations of international law?

A. Yes, sir, I say so far as it was an effort to starve the civilian population, I believed it was a violation of international law as I understood it at that time.

Q. Don't you know that in the Civil War, the North declared a blockade upon the South?

A. Did they do that in an effort to starve the civilian population?

Q. I am not on the stand. I would like to say "yes" to that, though.

A. I don't know sir, but if it did, I believe that constituted a violation of the accepted common international law, and if the law does not cover that it certainly should.

Q. Then you say you believe this is a violation of international law?

A. Yes, sir.

Q. What investigation did you make of the subject before you wrote these words, "This constituted a brazen violation of international law?"

A. Why, I stated two of my authorities, and I also had a couple of courses of it in college, in international law, and know something about it in a general way.

Q. Now, Mr. Nearing, referring to page 19 of the pamphlet, under the caption, of "The 2nd of April," you state that in the Spring of 1917, the credit of the Allies was strained to the breaking point and their resources were at very low ebb.

What data did you have from which you came to that—upon which you based that statement?

A. I referred yesterday to a couple of letters by a firm by the name of Henry Clews & Company. At this time, the submarine sinkings, if I remember, amounted to about 500,000 tons a month—they were sinking vessels faster than the British or the Allies were building them, and we heard tales at this time, that in England there was the necessity of putting the population on a bread card system. And I might say that I ordinarily read at least two financial papers every week, and tried to keep in pretty close touch with these changing situations.

Q. On page 20, the second paragraph, you say: "The great neutral faced the test of possible commercial disaster. A hundred millions of people in the balance counted as nothing against the menace of economic losses." Did you mean by that, that Congress and President Wilson weighed economic losses against the lives of one hundred millions of people and decided in favor of avoiding economic losses?

A. I should not say against the lives of one hundred million people. I should say against the well being of the people; and I believe that the economic considerations were primary.

Q. That is, they weighed the economic considerations against the well being of one hundred millions of people and decided in favor of the economic considerations?

A. Well, I cannot say whether they weighed it or not, but I believe that the decision was in favor of the economic considerations and against the people.

Q. Then you say, "The President without any authority from Congress, armed the merchant ships and gave Bernstorff his papers." As a matter of fact, President Wilson gave von Bernstorff his papers some time prior to that, in which the armed neutrality question arose, didn't he?

A. Yes. That should probably have preceded the other, preceded the giving of von Bernstorff his papers. That should probably have come in before the armed merchant ships subject.

Q. It should not even have come in this section at all, should it, the "2nd of April?"

A. Well, it is a section dealing with the events that led up to that period. I think that it is the logical place for it, yes.

Q. Do you remember the date that von Bernstorff was given his papers?

A. I think it was in February, if I am not mistaken.

Q. Then you say, "The business interests went wild with joy."

A. Yes, sir.

Q. And the next portion of that, you quote from "Finance and Commerce" of February 7, 1917, the fact that flags were put out on Wall Street. As a matter of fact, don't you know that the Stock Market took a violent break at the time of the severance of diplomatic relations with Germany?

A. The fact to which I refer is contained in this quotation from "Finance and Commerce" a Wall Street publication.

Q. Cannot you answer my question, doctor: don't you know, as a matter of fact, that the Stock Market had a violent break upon the announcement of the

severance of diplomatic relations with Germany?

A. I do not.

Q. Was it your idea that the reason why people put out the flags in Wall Street, was because they were glad that we were at war with Germany, or they wanted to show their loyalty to this country?

A. I believed that the Wall Street interests, had been trying very hard for months to get into the war, and I believe that they were interested and missed no opportunity to expend energy in getting this country into the war.

Q. But you do make the statement that the reason why Wall Street put out these flags was because it was glad?

A. Yes, I say the business interests were wild with joy, and that confirmed it.

Q. That showed their wildness of joy, by putting out their flags as you have indicated?

A. Yes, as their publication says, "in twenty minutes Wall Street, from Trinity Church to South Street was bedecked like on a holiday." It was a holiday for them.

Q. Columbus Avenue was also bedecked, wasn't it?

A. Within twenty minutes? I don't know.

Q. Within twenty-four hours?

A. I don't know; I was not in New York at that time.

Q. You didn't raise any flags where you were?

A. I beg your pardon?

Q. Were not there any flags raised where you were?

A. Yes, but they were not in the way that is indicated by the quotation here. This is a financial paper, you know.

Q. Now, turn to page 22, or rather to the bottom

of page 21, you say:

"On April 6th, with the passage of the Resolution declaring the existence of a state of war, the American people found themselves in war, after returning a party to power only five months before because it had 'kept us out of war' " and then you say:

"The people were not consulted, their wishes were not considered."

"No popular referendum on the war was even proposed by the Administration."

How many wars have we engaged in in our history?

A. I think five major wars.

Q. What were they?

A. The Revolutionary War, War of 1812, the Mexican War, the Civil War, and the Spanish-American War.

Q. In the Revolutionary War was there any referendum, popular referendum as to whether we would go to war or not?

A. I should say that a revolution is a popular referendum.

Q. Well, what did you mean by a popular referendum, you meant a vote, didn't you?

A. Yes.

Q. Was there any vote taken in the Revolution that you know of, as to whether or not we should have a revolution?

A. I do not see how you can vote on a revolution, Mr. Barnes.

Q. How many—I am simply asking you whether you know?

A. No, sir, I don't think so.

Q. What was the next one?

A. The War of 1812.

Q. Was there a referendum on that?

A. No, sir.

Q. What was the next one?
A. The Civil War.
Q. Any referendum on that?
A. No, sir.
Q. What was the next war?
A. Spanish-American War.
Q. Any referendum on that?
A. No, sir.
Q. You are familiar with the Constitution of the United States, aren't you?
A. I am.
Q. And that it does not provide for a referendum on the question of war?
A. No; neither does it prohibit it.
Q. I asked you does it provide for a referendum?
A. It does not provide for it and it does not prohibit it, sir.
Q. Does not it provide that war shall be declared by Congress?
A. Yes, it does so provide, but this was declared by the President.
Q. Was not this war declared by Congress?
A. No, sir, it was not declared by Congress. The President said on April 2nd, four days before Congress voted on the question, he said in his speech, "In the war in which we are now engaged."
Q. But they did vote on it ultimately?
A. Yes; ultimately, yes.
Q. From what you know of it, what was the vote on it?
A. About twenty to one, something like that, I understand.
Q. Then it was voted for by the Constitutional representatives of the people of the United States?
A. Yes, sir.
Q. In Congress assembled?

A. Yes, sir.

Q. And the war was declared in the constitu manner by the representatives of the majorit overwhelming majority of the representatives electorate, was it not?

A. Yes, sir, but they however, decided it pr to a referendum.

Q. Is there any provision in the Constituti a referendum?

A. No, sir.

Q. About going to war?

A. I thought this war was more democra· cause the President had said so.

Q. I see.

A. In other words, I believed that we migh shown our good faith in democracy, by having a endum on it at this time.

Q. In other words, in your opinion, Mr. N it would have been a nice thing, or a proper th an expedient thing, or a good thing, or a dem thing, to have declared this war in a differen than the other wars had been declared?

A. In my judgment, if they had had a refer at this time, the vote would have been very whelmingly against going into the war.

Q. In your judgment?

A. Yes.

Q. The duly authorized representatives in gress assembled did not represent their constit

A. I believed they did not represent the b their constituents.

Q. That is your judgment?

A. They were whipped into line by methods were notorious at the time.

Q. That is your judgment?

A. No, that is something that was expressed

newspapers, too.

Q. That is, newspaper stories?

A. Yes.

Q. Now a little further down on the same page you say,—speaking of the advisory commission to the counsel, that it was the business interests that had in charge this matter for the Government, you said, "The four business men, constituting the majority, will have practical charge of directing the expenditure of the billions of dollars that the American people will put into this war."

Does that occur to you as a remarkable provision or an extraordinary provision, that business men should be in charge of the expenditure of money?

A. No, unavoidably so under the present system.

Q. And didn't you think that that was much better than having politicians have charge of it?

A. As to whether the thing was better or worse, I would not judge. I would say it was not quite typical to let business men have charge, for I do not think that politicians were competent to have charge.

Q. You think the business men were more competent?

A. Undoubtedly they knew the game.

Q. More competent, even, than college professors?

A. Undoubtedly.

Q. On the next pages, pages 23 and 24, you state there the circumstances in which they are placed at the head of these different committees, the committees on express, committees on shoe and leather industry, supplies, copper, etc., that the men selected to serve did serve with the heads of the great businesses and industries of that character. Don't you think that that was a better way of doing it than to have the office boys or the subordinates of those businesses in those positions?

A. I should have liked to have seen experts connected in charge by the Government, and some expert engineers and expert scientists, non-controlling factors in the business. I should have liked to see the labor unions represented in some cases, that would have been a more democratic way because business men make up about one-tenth of the population, and the working people about nine-tenths.

Q. You did feel, however, did you not, that it was more apt to be an efficiently conducted war, purely from an efficient standpoint, understand, if the heads of these great concerns served in these capacities?

A. Well, I should say that undoubtedly yes, as they would conduct the war better for their own purposes. There was a concrete instance brought up on the Standard Oil Company——

Q. I am speaking about the efficiency of the conduct of the work.

A. From the business standard, it would have undoubtedly been more efficient.

Q. That is what I mean. Now going over to the Liberty Loan chapter on page 26, you say:

"Some day when all of the facts are collected, the story of the sale of the Liberty Loan, will be told, and it will be as hateful, as barbarous and as brutal as any story since the war contracts of the Spanish-American War."

What investigation did you make of the facts surrounding the sale of the Liberty Loan?

A. Well, sir, that was a particularly sore subject at that time in Toledo, where I was. I was in very close touch with the labor unions over there, and I knew a large number of the men and women who were compelled to buy bonds against their own wishes.

Q. How many men did you know personally who were compelled to buy bonds against their wishes?

A. Well, I could not enumerate them.
Q. Well, is there a dozen, or was there a dozen?
A. Probably more than that.
Q. Were there twenty?
A. Possibly. I might also say that the New York "Call" had very extended stories at the time, describing such conditions.
Q. You do not consider that an authority?
A. Undoubtedly.
Q. Well, were there one hundred which you knew personally, who were compelled to buy bonds?
A. Probably not.
Q. Probably not. How many were there subscribers to the loan?
A. Several millions.
Q. Several millions. And you have only given us three instances here: one of a girl who worked as an expert at $100 a month. What was her name?
A. I prefer not to state it.
Q. You know her?
A. I do.
Q. Did she live in Toledo?
A. In Pittsburgh.
Q. Pittsburgh?
A. Yes.
Q. What does she work at?
A. She was an expert on adding machines.
Q. An expert on adding machines?
A. Yes, sir.
Q. And she got $100 a month?
A. I believe so.
Q. And when she was approached she said if she had to buy a bond, she would give up her job?
A. Yes, sir.
Q. Nobody ever said to her anything else on the subject?

A. Nothing more.

Q. Was that in your opinion a sample of a "barbarous and hateful" coercion by the capitalistic class?

A. That was an excellent example of industrial economy, only it didn't work out.

Q. Only it didn't work out. Now the next little girl was one who was working for $7 a week?

A. Yes.

Q. That was a pretty poor job?

A. That was a Department Store job.

Q. That is a pretty poor job?

A. Pretty poor? That was about the average for a girl worker in the department stores.

Q. Do you know that girl?

A. I did not, but a friend of mine did know her in Cleveland.

Q. And the friend of yours told you about it?

A. Yes, sir.

Q. And they took two dollars a week from that girl's salary?

A. Yes, sir.

Q. From that magnificent salary of $7 a week they took the $2?

A. She subscribed two dollars.

Q. She subscribed two dollars?

A. Yes.

Q. And then one day they took all the rest of it, to the Red Cross?

A. She subscribed to the Red Cross that week.

Q. And she, I take it, with this magnificent job, continued to work because she was afraid of losing it?

A. Yes, sir, she was rather a young girl, and for a girl of her age, and experience, $7 a week was good wages at that time.

Q. That was a good job, was it?

A. Well, it was about $7 a week at that time, which

was about the average woman's wage.

Q. And the next one was a man with a family, sick for three months, who was advised that it would be wise for him to buy a liberty bond?

A. Yes, sir.

Q. Did you know that man?

A. I did, in Toledo.

Q. Did you know who advised him?

A. Yes, sir.

Q. And did the man who advised him, advise him it was a good thing, or bad, or what was the circumstances?

A. It was his immediate superior in his department.

Q. He came to him and told him that it would be a good idea for him to buy a bond?

A. Yes.

Q. Is that all?

A. Bearing in mind, all the time, the fact that he had ever before him what had happened to other people who did not buy bonds, so he bought one.

Q. So that in that instance the man who was his superior officer, or who was superior to him, came to him and said, "I think it would be a good idea for you to buy a bond?"

A. Something to that general effect.

Q. To the general effect?

A. Yes, sir, that is the idea, and that is conversation with the man who owns your job, remember that.

Q. Did the man who gave him this advice, know about the fact of his financial difficulties?

A. I do not know.

Q. So far as you know, he was not aware of the fact that this man was in debt, etc?

A. These matters are not taken into consideration in these cases.

...not taken into consideration by ... things, in this pamphlet, are they, ... any investigation of those cir- ... this pamphlet?

... I don't understand your ques-

... make any investigation of the ... whether or not the man advised— ... advising this fellow to buy a bond, ... finances, his financial position?

... wrote the pamphlet?

... base this statement, practically, ... knowledge of possibly twenty to forty ... hundred cases?

... stories that were being told.

... the total number of subscribers were ...

... stories that were being told in the ... the Socialist paper, and some of them ... York "Call," and other papers that ... truth at that time.

... believe everything that you read in the ...

... believe everything I read in any news- ...

... in the "Call?"

... in the "Call."

... must have felt very sorry for these ... over the country who had been com- ... lands?

... reason I wrote this pamphlet.

... very sorry for them?

... that they had been seriously imposed ...

Q. And yet you wanted the Government to repudiate the bonds, didn't you?

A. Repudiation of bonds——

Q. Didn't you want the Government to repudiate the Liberty Loan, and didn't you so testify this morning?

A. I made no such statement, I said simply that the Socialist Party believed in the repudiation of all forms of indebtedness, and any indebtedness that enabled someone to live on other people's labors, and that included any form of indebtedness, whether public or private.

Q. And that involved these people whom you were telling us about here, who were compelled to buy these bonds? And you would like to see a government in the United States, that would repudiate the First Liberty Loan, wouldn't you?

MR. STEDMAN: I object.

A. That loan and all loans, public and private.

Q. In spite of the fact that that loan is held, as you have testified it was your belief, by millions of people who bought it under coercion?

A. A tiny fraction of it is held by them, the vast majority of it is held by the rich people, in my judgment.

These three and one-half per cent. bonds have been bought up in the past months by the rich people from those who originally bought them, bought up by these wealthy people for the purpose of escaping taxation.

Q. And it was disposed of by these same people at a pretty good figure, wasn't it?

A. Some of them were, I guess.

Q. Now on the next page, you state:

"When the Conscription Bill was introduced in the Congress, there was a general feeling throughout the

would not pass. Even the press hesi-
merican was this bill, which clearly vio-
of the Constitution, and the traditions

are of the fact that the constitutionality
Draft Act has been sustained by every
which it has been tried?
But that does not in any way change
the bill.
course, are not trained in the law?
But I have read the Constitution.
read to us yesterday from the speech by
, in the House of Representatives in

Judge Mayer brought out that that speech
during a debate, the first day of the debate,
upon that bill?
sir. And Daniel Webster told them that
the bill he would go back and tell his
to refuse to support it.
he did?
he did.
Were you under the impression you were fol-
in the steps of Daniel Webster during the Sum-
1917?
No, sir, I was not under the impression that I
impersonating Webster. But he was interpreting
Constitution, as I understood the Constitution, and
thought he was a good constitutional lawyer, and
what he was talking about, and it sounded
sensible to me, and I believed that it was sensible.
Do you think it is the proper action for a man
to go back to his constituents and tell them
to obey anything that has become a law, that has
been passed by Congress?

A. It is entirely up to the man himself, what he shall do.

Q. I say, do you approve of that?

A. Do you mean, did I approve of it in Daniel Webster's case?

Q. Yes.

A. If I felt that way, I would do exactly the same thing, in other words, I would live up to my beliefs.

BY THE COURT:

Q. The question that the District Attorney asked you was whether you favored that position, if it was so taken by Mr. Webster?

A. I answered, sir, that I believed that a man must live up to his convictions, and that if Mr. Webster believed that, it was up to him to go and do it. If you ask me whether I would go home and urge my constituents to violate the law, in that case I answer I cannot tell; as I feel at present I would not.

BY MR. BARNES:

Q. Let us have that speech of Daniel Webster. I want to see the language he used.

A. "I would ask, sir, whether the supporters of these measures have well weighed the difficulties of their undertaking. Have they considered whether it will be found easy to execute laws which bear such marks of despotism on their front, and which will be so productive of every thought and degree of misery in their execution? For one, sir, I hesitate not to say that they cannot be executed. No law professedly passed for the purpose of compelling a service in the regular army, not any law, which under the color of military draft shall compel men to serve in the army, not for the emergencies mentioned in the constitution, but for longer periods than for the general objects of the war, can be carried into effect. The operation of measures thus unconstitutional and illegal, ought to be prevented by a resort to other measures which are both constitutional and legal. It will be the solemn duty of the state governments to protect their own authority over their own militia, and to interpose between their citizens and arbitrary power.

These are among the objects for which the state governments exist, and their highest obligations bind them to preservation of their own rights and liberties of their people. I express the sentiments here, sir, because I shall express them to my constituents. Both they and myself live under a constitution which teaches us that 'the doctrine of forcible resistance against arbitrary power and oppression is absurd, slavish, and destructive of the good and happiness of mankind' with the same earnestness with which I now exhort you to forbear from these measures, I shall exhort them to exercise their unquestionable right of providing for the security of their liberties."

And as I understand that, he meant that he would exhort his state government to oppose the national government in the enforcement of this law.

Q. Well, did you understand him to mean by that, that he would exhort them to refuse to obey the law, or counsel them to fight it in a legal manner through the courts?

THE WITNESS: May I see the pamphlet? (handed witness).

"Laws, sir, of this nature can create nothing but opposition. If you scatter them abroad like the fabled serpent's teeth, they will spring up into armed men. A military force cannot be raised in this manner but by the means of a military force. If the administration has found that it cannot form an army without conscription, it will find, if it venture on these experiments, that it cannot enforce conscription without an army."

Now if that does not support my statement, then the further statement that I read awhile ago, that "these laws, if passed, cannot be executed," seems to me does warrant the statement that I made that Mr. Webster proposed to go back home and agitate for resistance to this law.

Q. Now on page 29 you quote from the Chicago Tribune of June 6th, the day following registration, to the effect that the "draft success puts new life in New York market." Did you follow the prices on the

Stock Market, or do you follow them, or have you followed them during this period of time, from 1906 on down to date?

A. To the present time?

Q. Yes.

A. Yes, sir.

Q. You are aware, are you not, that prices of stocks reached their highest point about the 1st of December 1916?

A. Thereabouts, yes, sir.

Q. And that during December, Secretary Lansing made a statement, that we were on the verge of war. Do you remember that?

A. I don't recall that. No, sir.

Q. And that there was a break in the market immediately following that statement?

A. I don't recall that incident. No, sir.

Q. Now is it not true there was a break in the market about the 2nd of February, at the time of the severing of the diplomatic relations?

A. I quoted this from the Wall Street Digest, yesterday, "The upward movement in the price of stocks dates from the day that the German Ambassador at Washington, was handed his passports and although there have been slight temporary reactions, the movement has been fairly continuous from that day to this."

Q. Was not there a break in the Stock Market, quite a violent break on the date that the German Ambassador was handed his passports?

A. This, that I was quoting you here, was from the official organ of the Street, and tells of the general tendency of the stock.

Q. Was not there a violent break on that date, and was not there a drop of ten points in Steel?

A. I don't remember that.

Q. You don't remember that?

A. I don't remember that, I am simply quoting you from this statement here.

Q. On page 39, the second paragraph, you say:

"By July, 1917, the billboard enlistment campaign was couched in such words as 'The Regulars are in France, Join them Now.' 'Enlist immediately so as to fight on German and not on the United States soil.' The German autocracy was on the defensive; the American plutocracy had become the aggressor. The regular army had already been transported four thousand miles and a conscript army of a million men was in process of formation to wage an aggressive war in the interests of the British ruling classes."

Now, up to this point, as I understood your argument, the war was in the interest of the American ruling classes. Do you mean by that, that they were mistaken, and it was for the British ruling classes, or do you mean by that, that they were all working together?

A. I should say, sir, that the American banking and financial interests came to the rescue of the British banking and financial interests.

Q. So that the American plutocracy had got us into this war and did it to help the British ruling classes?

A. Yes, sir, they came to the rescue of the Birtish financiers when they were at the breaking point, as I stated at an earlier section. Certainly it was a distinct help to the ruling classes of Great Britain when we joined hands with them.

BY THE COURT:

Q. Let me inject a question: When you wrote this about this advertising as seen on these various billboards, where was that?

A. That was in Toledo.

Q. I say, you had seen these billboards?

A. Yes, sir.

Q. Those billboards, putting the matter briefly, were appealing to enlist?

A. Yes, sir.

Q. That is to say, to enter voluntarily, as distinguished from entering under the Selective Service Law?

A. Yes, sir.

Q. And were there many such billboards in Toledo?

A. Well, they had one by the old post office and one by the new post office.

Q. In other words, it was pretty generally placarded?

A. Quite generally.

Q. Did they have recruiting stations?

A. Oh, yes.

Q. With men in the service of the Government, endeavoring to get volunteers?

A. Yes.

Q. Did you hear addresses in public places by civilians and soldiers, appealing to persons to enlist?

A. I don't think there were any such meetings going on, no.

Q. There was a general campaign?

A. There was a billboard campaign.

Q. All over the town?

A. All over the city, and the reason that I put it in here was because it was a campaign requesting men to enlist for the foreign war.

Q. And before you wrote "The Great Madness" did you see similar billboards in other parts of the country that you were in, do you claim that?

A. Probably, but I do not remember.

Q. You have no doubt they were in other parts of the country?

A. I presume there were, yes.

BY MR. BARNES:

Q. Now the next chapter is on page 40, entitled,

"Root and Balfour," and you speak there of—it is near the bottom of the page—"Elihu Root was sent to the democracy of Russia to warn them not to go too far in the direction of their democratic ambitions and ideals." You are referring there to the commission that was sent over by the Federal Government, the Federal Commission?

A. Yes, sir, to the Revolutionary Government.

Q. One of the members of the Commission was a Socialist was he not, Mr. Russell?

A. He was, yes, sir.

Q. Now he was the candidate of the Socialist Party for the Presidency of the United States, wasn't he?

MR. STEDMAN: I beg your pardon, it was for the Governorship of New York State.

Q. The Governorship of New York State?

A. He was.

Q. At any rate he was a prominent Socialist?

A. He was, yes, sir.

Q. And what information or data did you have, what inside "dope" as we might say, Mr. Nearing, on which you based your statements that Root was sent there to warn them not to go too far in the direction of their democratic ambitions and ideals?

A. Well, I had the speeches that Root and the other members of the Commission are reported to have made after they had got over there.

Q. Now at page 42 you were telling us what the American business interests had won, you say: "They had won the right to send a million Americans to the trenches of France to fight for the poor Belgians, for Lombard Street, Wall Street, and King George of England." Lombard Street—what do you infer by that?

A. I mean the financial section of England.

Q. That is the Wall Street of England, I suppose?

A. Yes, sir.

Q. And the next, you say in the next paragraph: "They had established a spirit that permitted children to go back into the factories from which years of incessant labor had rescued them; women to take men's jobs at a fraction of the wage, and the standards surrounding the labor of men to be lowered."

Now will you please tell us what data you based that on?

A. I based that on the data—well, there are three different statements there.

Q. All right, take the first one: "Children to go back into the factories."

A. The first statement, or rather the—yes, the first statement was based on the fact that immediately after war was declared there was a general campaign inaugrated all over the country in the big industrial states, to abrogate the law, set aside the laws regarding the work of women and children, and the Federal Children's Bureau and the National Child Labor Committee both went into that question and both of them made reports regarding the increase of the employment of children.

Concerning the second statement regarding the wages of women, the committee presented data of the situation in that regard, showing that women entered into these various situations at a wage scale much lower than that which was the standard wage of the men.

And the statement as regards the excessive hours of labor and the like, referred to war work that was being done overtime.

Q. Now are you familiar with the article in the American Labor Year Book of 1917-1918 at pages 16, 17 to 20, by Mr. Solon DeLeon, which covers these particular questions?

A. No, sir, I am not familiar with it.

Q. Well, are you familiar with the attitude taken by President Wilson and by the Federal authorities with regard to this lowering of standards of labor, and the employment of child labor in the factories, and the use of women at a fraction of the wage? You are familiar with that?

A. As I recall, they were strongly opposed to it.

Q. They did successfully oppose it?

A. They did not successfully oppose it.

Q. They did as far as the Federal enactment was concerned?

A. They did not oppose it as far as the factories were concerned.

Q. Did not they as far as the Federal law was concerned?

A. That I do not know; but I know that statistics have recently appeared covering that particular period, showing that child labor has increased decidedly during the war. I might also say that the minimum standards of the working classes have been lowered also.

Q. Do you know there has been any systematic lowering of it?

A. There has, yes, sir.

Q. In the factories, do you mean?

A. Yes, the child labor, especially in factories, has increased greatly.

Q. Are you aware of the fact that Governor Whitman of New York vetoed a bill, the Brown Bill, on that same subject?

A. I don't remember when he vetoed the bill.

Q. Then this article in the American Labor Year Book which covers the period from March to September, is not, or is it, in your opinion, an exhaustive statement of the legislation on these points?

A. Well, sir, I have not read it and I cannot say.

Q. How many states were there that altered their laws to your knowledge?

A. That I do not remember.

Q. Well, what States did?

A. I have not the data, I could not give you any particular case.

Q. Of course the labor authorities did oppose it vigorously, did they not?

A. Oh, yes, you mean the labor unions?

Q. Yes.

A. Well, I assume so, yes.

Q. Well, they did, didn't they? Don't you remember they did?

A. Well, there was opposition, I don't remember whether they did it.

Q. Did you know that on April 7th, the Council of National Defense approved resolutions drawn up by the advisory committee on labor, of its advisory commission, urging upon the legislatures of the States as well as all administrative agencies charged with the enforcement of labor and health laws, the great duty of rigorously maintaining the existing safeguards as to the health and the welfare of the workers; but also urging upon the legislatures that before final adjournment they delegate to the Governors of their respective States, the power to suspend or modify restrictions contained in their labor laws, when requested by the Council?

MR. STEDMAN: You are reading from page what?

MR. BARNES: Page 16, at the bottom of the page.

Q. Did you know that?

A. No, sir, I don't remember this, not these specific details.

Q. Did you know that on April 23rd the "Secretary of Labor Wilson had a conference of Cabinet

Officers and Labor representatives, explained the position of the Council of National Defense to be that the standards that have been established by law, by mutual agreement or by custom, should not be changed at this time." Did you know that?

A. I said that I knew that the Government took that position, I didn't remember the specific details.

Q. Did you know that Secretary Daniels had taken the same position?

A. I do not remember the special officials. I know the Government officially took that position.

BY THE COURT:

Q. Prior to your writing the publication, "The Great Madness," did you know of any law that had passed the Congress of the United States which in any manner had changed the wage standards of laboring people?

A. No, I believe Congress passed no such law.

BY MR. BARNES:

Q. As a matter of fact, Congress did pass a Child Labor Law, did it not, which was afterwards declared unconstitutional?

A. I think that was passed before the 1916 Election, because I think that the Democrats used that in their election propaganda.

Q. I think you are right. It was before—between 1914 and 1916?

A. Yes, sir, I think about in 1916.

Q. Now, at the bottom of page 43, Mr. Nearing, you say, "Today, in all parts of the United States they are banding themselves together politically and industrially. They are organizing. They propose to make the world safe for democracy." Whom did you mean by "they"?

A. That is answered in the paragraph above—"The People of the United States."

Q. The people of the United States?

A. Yes, sir.

Q. And to what political and industrial bands or organizations do you refer when you said they were organizing?

A. Why, I was referring to the growth at that time of the Socialist Party in membership, it was growing at that time, and to the growth of the trade unions, they had grown, and they were growing a great deal at that time, and have grown very much since, also to the growth of the Non-Partisan League, the Farmers' movement, which was growing very rapidly at that time.

Q. Now you say at the top of the next page, "The struggle must begin in the United States." Did you mean by that, that the pressure of the plutocrats in the United States was the first step that the people were to take to make the world safe for democracy?

A. Yes, sir; if we are going to have democracy in the world, we have got to begin at home and have it at home.

Q. Did you mean that they should undertake that immediately or that they should wait until the end of the war?

A. Well, in my judgment, the war is an incident to the economic conflict, because I believed the working class had to keep on, during the war and before the war and after the war, in preserving their own standards and safeguarding their own rights.

Q. You mean then that they should undertake that while the war was on, or whether they should postpone it until the war was over?

A. Certainly, they should work at it all the time. The problem of establishing industrial democracy is a problem that goes on continually with the wage earner; it has gone on before the war, it has gone on during the war and it has gone on since.

Q. And when you sent this manuscript, "The (Madness" to the Rand School, you realized if it published, it would be distributed and circul didn't you? Throughout the country, didn't you

A. Certainly.

Q. And that it would come into the hands of who were subject to induction into the army u the Selective Service Act, men between twent and thirty?

A. I suppose so.

Q. And you wanted to persuade your reade your own point of view about the war, didn't you

A. I wanted to present to my readers my op regarding the whole incident of the war, yes, sir

Q. And you did that for the purpose of persua them?

A. If they saw it my way, I expected them t cept it.

Q. And you wanted them to accept it, didn't

A. Yes.

Q. You wanted them to believe this way, that was an unjust war, didn't you?

A. I wanted them to believe that this was a italist war.

Q. And that it was an unjust war?

A. As all wars are unjust, yes.

Q. You wanted them to believe that it was w in the interests of selfish plutocratic classes, d you?

A. Primarily so, yes, sir.

Q. And that it was not a war to make the v safe for democracy, was not that what you wa them to believe, that it was not a war to make world safe for democracy?

A. I did not then believe that it was a war to m the world safe for democracy, and I wanted (

people to see that it was not a war to make the world safe for democracy.

Q. You wanted these people to read your pamphlets?

A. I wanted the people to read the pamphlets and realize that it was a war that was being continued by the plutocrats, and for their own selfish ends to fasten their hold on the American people.

Q. And you used the best arguments that occurred to you to prove your point?

A. Yes, sir, I got the best data I could.

Q. Did it occur to you that you might persuade some of your readers to your point of view?

A. I hoped somebody, after they read it, would see my point of view.

Q. You thought they would, didn't you?

A. They usually do, some of them.

Q. You thought your arguments were pretty good, didn't you?

A. I still think so, and I did then.

Q. Was it your belief, or was it not your belief, that if it might persuade, that is, if you might persuade by your pamphlets, some of these people to your point of view with regard to the war, men who were within the draft age, and who were subsequently inducted into the army, that they would become insubordinate?

A. I should say on the contrary, sir, that the millions of socialists who fought in this war, and who held that view, were not any less insubordinate than the other fellows, certainly not more so.

Q. Yes, but I know, they were not American soldiers, were they?

A. No, but a Socialist is a Socialist, whether he speaks American or French. The Socialists who had been fighting in the war, to my knowledge, were just as reliable as the other fellows they were fighting with

in the war. I see no reason to believe that a man who had these convictions would make any worse soldier—I think he would make a whole lot better brother for the great brotherhood that is coming later on in the world—but I do not know that he would be any worse as a soldier in this country.

Q. Don't you think and didn't you think that a man believing this way, that the war was a selfish capitalistic war for the capitalistic interests, and that he was being brought into it, that he would be apt to be disloyal to his country, in the sense of the word ordinarily used, of the word disloyalty?

A. On the contrary, I know many men who were drafted and went, and others that certainly had that point of view in their minds.

Q. And you did hope, that by reading this, they would get your point of view about the war then, and then you say you think that they would be just as loyal soldiers?

A. I was not attempting to make either loyal soldiers or disloyal soldiers.

Q. I didn't ask you that sir, I asked you whether you gave any thought to the subject?

A. I don't recall that I did.

Q. Then you did not think anything about it?

A. I don't recall that I did.

Q. Did you not believe, Mr. Nearing, that this pamphlet would probably fall into the hands of men who were debating as to whether or not they would enlist in the army, voluntarily?

A. I had no such knowledge either way.

Q. Didn't you think about it?

A. I do not recall that I did.

Q. That never occurred to you, is that right, it never occurred to you?

A. I don't recall that it did. I might say again,

Mr. Barnes, that I wrote this pamphlet, to try to educate people. I had no particular point of view with regard to men or persuading soldiers or anybody else, I wanted the people to understand what was going on.

Q. But you would feel, would you not, that if this were to fall into the hands of a man who was contemplating enlisting, was turning the matter over in his mind, and he was persuaded by your arguments, he would not enlist, you feel that way about it? That would be its natural effect, wouldn't it?

MR. STEDMAN: I want to object to that as incompetent, irrelevant and immaterial, and improper.

THE COURT: He may ask him if that was his belief. Did you so believe?

THE WITNESS: I don't recall that I had any such belief, no, sir. In other words, I was not aiming this pamphlet particularly at the army. If I had been, I would have printed a different kind of leaflet. I would not have sold it through the Rand School where it went out for general circulation to a very small number of people, about 20,000.

Q. Went out to a group of people, however, who were subject to the draft?

A. Possibly. I was not in a position to know whether they were or not, sir.

Q. To a group of people who would be eligible to enlist?

A. Possibly. I was not in a position to know that either, any more than I would know whether one of my text-books would be read by man, woman or child, whether they were under forty years of age, or over forty years of age.

Q. Do not you know, that most of the Socialists in this country are between the ages of 18 and 40 years?

A. I have not ever seen a statement as to their ages.

Q. Don't you know that as a matter of fact, that most of the Socialists in this country are between 18 and 45?

A. Most of the people in this country are between 18 and 45.

Q. And most of the people who are in the circle of your acquaintance are between the ages of 18 and 45?

A. I am also between 18 and 45.

Q. And so am I.

A. And most of your friends are between 18 and 45 then, I may assume.

Q. You still feel that you were right in the position you took, in this pamphlet, Mr. Nearing?

A. I certainly believe—I do believe that the American plutocracy wanted the war, and they advocated it, and made the war, and they had the war, and it was an imperialistic war, for the purpose of enhancing the imperialistic point of view in the United States.

Q. You still believe, do you, that you were right in the position that you took in this pamphlet?

A. That was the position of the pamphlet.

Q. Cannot you answer the question yes or no, then?

A. Well, the trouble in answering a question like that yes or no, is that my own position in the pamphlet may be is not clear, and I wanted to state my position in the pamphlet.

Q. You think that your position in the pamphlet is not clear?

A. It seemed to me that it was, sir.

Q. I think it is very clear. You still believe you were right in the efforts you made to spread this view among the people during the Summer of 1917?

A. Yes, sir, I believe that is the correct view, for the people of the United States to take.

Q. You think you were right in spreading it?

MR. STEDMAN: He has said so.

THE COURT: He has not yet.

THE WITNESS: Yes, sir, I thought I said yes.

Q. Well, would you again, in case we had another war, advise them in the same way?

MR. STEDMAN: Oh, I object to that as highly speculative as to whether he would do it again.

THE COURT: Objection sustained.

MR. BARNES: That is all.

THE COURT: I will ask you a few questions so that you may on redirect ask him any questions that you desire.

BY THE COURT:

Q. Now, did you follow, that is, with reasonable care, the different events, such as the declaration of war and the passage of the selective draft act, etc.?

A. Yes, sir, I followed them very carefully.

Q. Very well. Now, of course, you realized, when you wrote this pamphlet, that war had been declared, on the 6th day of April 1917?

A. Yes, sir.

Q. You remembered, when the selective draft law was passed and became an act? Perhaps I can help you. Was it May 18, 1917?

A. Yes, I remember the 5th day of June was the registration—yes, May, 1917.

Q. And you remember that under the statute, the 5th day of June, 1917, was designated as the day for registration of those subject to the draft under the Presidential rules and proclamations?

A. Yes, sir.

Q. And that the method of draft was, to briefly state it, choose the men by numbers which were chosen by lot?

A. Yes, sir.

Q. And that there was an elaborate machinery, which was arranged by the appropriate federal officials in respect to the induction of men into the army, that is to say, local boards, district boards, and the Provost Marshal's rules and regulations, and the like?

A. Yes, sir.

Q. And do you know when the actual induction into the army began under the selective draft law?

A. I do not remember, sir.

Q. Well, you recall it began, if my recollection is right, in September, 1917, is that correct?

MR. BARNES: I think it is in August, probably the end of August or beginning of September.

Q. Well, August or September, then you remember that, do you not?

A. I noticed it at the time; I do not recall the date.

Q. Now intervening the time, between the passage of the Selective Draft Act and the time that you wrote "The Great Madness" had you noticed that there were appeals for the enlistment and volunteer service—I think you gave some statement about that.

A. I noticed it, yes.

Q. And during that summer, where were you? In the early part in Toledo and in the later part in Chautauqua, New York?

A. Yes.

Q. At some time, to some extent you knew, I assume, that the Government was doing all in its power to get men to go into the army forces, the military and the naval, through the agency of voluntary enlistment, did you not?

A. Yes, sir.

Q. And that method was carried out by the billboard advertisement type of campaign that you have referred to, and by public meetings, was it not?

A. Yes, sir.

Q. And at these public meetings, various persons spoke to the point of endeavoring to have persons volunteer and enlist?

A. Yes, sir.

Q. Did you know that while there was a general concurrence in spirit and action throughout the country, of obedience to the Selective Service Act, that there were some who were disposed to dispute it?

A. Yes, sir.

Q. Had you kept in touch, and any track of the public trials of those who were charged with disobedience in one form or another of that act?

A. Why, I don't recall that any came before the writing of this pamphlet. Of course, I have observed the conscientious objector since,—I don't know whether the issue had been raised then or not.

Q. Well, there were some, but that is neither here nor there. Well, did you know that there were those throughout the country who were not obeying the law, but who were acting in opposition to the act?

A. Yes, sir.

Q. And did you have all of this information to which I have referred in my questions, and which you have answered, before you, or in your mind, at the time that you wrote this pamphlet?

A. Probably, yes, sir.

Q. I mean to say, you were fully cognizant of that situation?

A. Yes, sir.

Q. And did you have any knowledge as to whether there were any males of any age, who were in the mental position of doubt in regard as to what course they should pursue in respect of service in the army?

MR. STEDMAN: That I want to object to as incompetent.

THE COURT: He can say yes or no.

MR. STEDMAN: Exception.

A. Yes, sir, I did know that fact.

Q. Had any such persons come within your personal observation?

A. They had.

Q. That is to say, you know actually, male human beings who were, to put the matter in colloquial language, "on the fence" as to service?

A. Yes, sir.

MR. STEDMAN: Just a moment, do not answer until I get a chance to object to the questions, especially those that relate to special incidents. I would like to have the benefit of an objection to that last answer if I may have, which I suppose will be overruled and then I would like the benefit of an exception. I am objecting to the special instance that may be in a man's mind.

THE COURT: Very well. We will put it generally.

Q. What was your general information, of action taken by John Jones, or by Peter Smith?

MR. STEDMAN: The point I have in mind is this, that a man might know someone among his acquaintances, he might be writing a book, and he might impersonate that man, and that would suggest the answer to any such suggestion as that.

THE COURT: I think you may be right as to that and that is the reason I changed the question to the general question.

Q. Was it your belief at the time that there were those in the country, repeating the colloquial expression, who were "on the fence" as to whether or not they should volunteer and enlist in the armed forces of the United States?

A. Yes, sir.

Q. That is your belief?

A. Yes, sir, that there were such people.

Q. That there were such people?

A. Yes.

Q. Do you know whether or not there were people who were, for one reason or another, resisting the Selective Service Act, refusing, upon one ground or another, to obey its provisions, insofar as induction into the service was concerned?

A. Yes, I remember that particularly in the Southwest.

Q. You knew there were such?

A. There was such agitation.

Q. By knowing, of course, I mean in this case information that you gathered from reading the papers, of conversations, or any other method of getting information?

A. Yes, sir.

Q. Did you believe at this time, that there were people in the United States, who were resisting, I don't mean resisting by argument, I mean actually resisting by refusal to obey the selective service act upon one ground or another?

A. Yes, sir, there were such, I believe, particularly in the Southwest. There was a great deal of agitation at that time.

Q. Did you have any such information, that is, of such position on the part of the persons subject to the provisions of the act in other parts of the country?

A. I think the Becker trial took place in New York, I don't remember when. I remember that specifically, that is a case, but I do not remember whether there were any other illustrations that came up at that time or not.

Q. You are now referring to the trial of Becker and Kramer?

A. Becker and Kramer.

Q. Do you remember any other public trial?

A. I suppose there were trials at the time, bu have forgotten.

Q. There were, if I understand you correctly the time you wrote "The Great Madness" that is, you knew that fact, that that was a fact at that ti and it was your belief that there were in the cou those who opposed by refusal to obey the selec draft act and those who were debating whether or they would volunteer or enlist in the armed forces

A. Yes, sir.

DIRECT EXAMINATION BY MR. STEDM

Q. You wrote that pamphlet when?

A. Probably in June, July, and August.

Q. The Becker trial took place in September, tl months after, so you did not have that in mind?

THE COURT: You are not correct as to that, are in error as to that statement.

MR. STEDMAN: When was it?

THE COURT: The Becker trial took place July of 1917.

MR. STEDMAN: What part of July, do know?

THE COURT: It was either at the end of Jun the early part of July.

A. I might say, Mr. Stedman, that I do not re those events in the Summer in any clear sequence remember instances, but I do not remember the quence.

Q. The resistance in the Southwest, I suppose have in mind the instance in Oklahoma, haven't y

A. I think it was in Oklahoma.

Q. Do you know when that took place?

A. I don't remember.

Q. You don't remember whether it was before pamphlet was ever printed or not, do you?

A. No, sir.

Q. Do you recall now that you had that intent in mind, at the time you were writing any part or portion of "The Great Madness"?

A. No, sir.

Q. The registration was in June, on June 5th, and the first call was in August. Let me ask you whether the incident in Oklahoma of the dozen or two who had resisted there, was not after the call?

A. Well, I do not know. I have no recollection as to the exact date. I have a recollection that the papers carried a great many stories, I think it was about Arkansas and Oklahoma. I remember reading the stories, but I do not remember the dates.

Q. Now then, referring to the people that you inquired about, who were "on the fence." Were they on the fence, to your knowledge, because of any judgment based upon the cause or the reasons of the war, or because of conscientious doubts, or by reason of fear or other things of that sort?

A. I knew a number of people who have since become conscientious objectors, who were then not conscientious objectors.

Q. And a conscientious objector would not be caused by your pamphlet?

A. I am saying, that I took the position throughout of always refusing to advise anybody. I stated—and I stated this to Government agents, who came and asked my advice, that I did not—that I would not advise any other man as to a matter of conduct in so important a case. I carried that to the extent of never advising a man even to jeopardize his job. I think it is up to a man to make up his own mind on those matters. I think it is a matter on which he must come to his own conclusions.

Q. You stated something about some of your evi-

dence, that is some of the facts upon which you based your pamphlet, not being here. Was your home raided or searched?

A. By a United States Government official, yes sir.

MR. BARNES: You mean raided? What do you mean by raided?

MR. STEDMAN: I mean you came in and helped yourself without so much as an invitation, or a suggestion that you were violating a man's home or his castle.

MR. BARNES: I object to any such questions. object to the question and move to strike it out. understood the term "raided" as he was using it meant to convey, searched by virtue of a search warrant.

THE WITNESS: They brought a search warrant with twenty-six sections in it, Mr. Barnes.

THE COURT: The question can be amended so as to limit the answer.

MR. STEDMAN: I will change the question.

MR. BARNES: Was your home searched under warrant?

THE WITNESS: Yes, sir, with twenty-six sections in the warrant.

Q. They came there with a warrant?

A. Yes.

Q. And they took away, did they take anything away with them?

A. I was not home at the time, I was in Chautauqua at the time, and my home was in Toledo, and they took away a great deal of stuff.

Q. Any data that was used for this? Have you asked them to return any of it?

A. They returned the material, about three, or four months ago, I think.

Q. Well, have you had occasion to go over the data since its return, since they have returned the material?

A. The material that they returned?

Q. Yes.

A. I have not.

MR. BARNES: Was there any of the data that I asked you for on cross-examination in this stuff that the employees of the Government took away from you?

THE WITNESS: Probably not. I would like to say in reply to that question, Mr. Barnes, that in writing a pamphlet of this character, I ordinarily have a number of reference works like statistics and abstracts and the World Almanac and various other reference works, to refer to, and when I get together a particular body of information I cannot say two years afterwards where I got it all.

Q. Your attention was called this morning to a paragraph in the platform of the Socialist Party. That is distinguishable from the proclamation and war program, is it not?

A. Yes, sir.

Q. Do you know whether that section that was referred to, upon bonds, was eliminated from that platform?

MR. BARNES: That is objected to as incompetent, irrelevant and immaterial.

MR. STEDMAN: You have read it as though it was a necessary document to be introduced in this case.

MR. BARNES: I have read a portion of it, and I have asked him if he agreed with these various parts, and asked him for his frame of mind in regard to them, and it is immaterial whether the party changed his position on that or not later; we went into it simply to get his frame of mind in 1917.

THE COURT: I agree with your proposition. At the same time, in order to clear the proposition up, I will allow the answer.

Q. I will just ask you, Mr. Nearing, do you know whether, as a matter of fact, when that was circulated by the party, that clause was omitted?

A. I believe it was; yes.

Q. I understand you to say, in regard to Webster, I understand that while you would not adopt that course as you understand it, yet the man was to do what he personally thought was right?

A. Yes, sir, I think one of the most important things is that a man should live up to his convictions.

Q. At the time you wrote "The Great Madness" do you recollect that "The American Socialist" had a circulation of a couple of hundred thousand?

A. Something like that, yes, sir.

Q. Do you recall at that time, that is in August particularly, or July, there were a large number of meetings, at least in the Middle West and the West, and petitions requesting Congress to repeal the Selective Draft Law?

A. Yes, sir.

Q. Do you know whether the petitions were quite general?

A. Yes.

Q. Do you know whether the pages of that paper are open to you?

A. "The American Socialist?"

Q. Yes.

A. They were.

Q. You could have written a pamphlet against conscription—I mean in opposition to the draft law, or in opposition to recruiting and enlistment, and also to the creating of insubordination and disloyalty, and assuming that that accorded with the views of the

publisher, they would have furnished you the avenue of publication, wouldn't they?

MR. BARNES: I certainly object to that question.

THE COURT: I do not see how that is material.

MR. STEDMAN: It has this significance, I want to call attention to the facilities for publishing his views in a way that it would have gotten before the public in a paper where in a publication of 46 pages, in a leaflet, it would not, naturally get so fully into the hands of the people who would be likely to resist the selective act, or enlistment. If that was his purpose, it would be done by a circulating medium that would have 200,000 readers at least, and not such a limited number.

THE COURT: Objection sustained on the ground it is immaterial.

MR. STEDMAN: And argumentative.

THE COURT: I am glad you added another ground.

Q. Were there other papers at the time that you were writing for?

A. Well, I do not write for any paper regularly, but I wrote at intervals for a number of them.

Q. And your "Great Madness" was sold for ten cents a copy, wasn't it?

A. I believe so, yes, sir.

Q. Speaking of Child Labor Laws, there were quite a number introduced, that is, bills to repeal the operation of the Child Labor Laws, weren't there?

A. They were quite generally introduced, yes, sir.

Q. And it was during the war?

A. Immediately after it broke out.

Q. And the Child Labor Law was declared unconstitutional, that is, the National Child Labor Law?

A. Yes, sir.

Q. That was the law to prohibit interstate commerce in child labor manufactured articles?

A. Yes, sir.

MR. BARNES: But it will be re-enacted again, though.

MR. STEDMAN: Oh, no, it will be in quite a different form.

MR. BARNES: For the same purpose, however.

MR. STEDMAN: The court has not passed on it yet; it may go the same way as the other.

Q. You were asked a question this morning and I want to call your attention to what you were asked in regard to some council here, some Workingmen's Council, or People's Council, and Mr. Barnes interjected, following it along with a question, and asked you whether you had any relation or kinship with the Workingmen and Soldiers' Council in Russia?

MR. BARNES: I do not mean to charge that it had any immediate relation.

MR. STEDMAN: Was of the same character and kind.

MR. BARNES: That is what I meant, yes.

Q. Do you know of any analogy between the two?

A. Why, as I stated this morning——

Q. First, I want to ask you were you a member of any such council?

A. Of the People's Council?

Q. Called the Peoples' Council, and that had no relation to any policy or program or anything in line with the Soviets, did it?

A. Well, except that they advocated a certain line of publicity with regard to: no annexations and no indemnities, and free development of all peoples. That is one of the planks in the Council, I believe, and that was one of the planks in the Soviet Government platform.

Q. And if you recall, was not that adopted also and has not it been adopted also by the Kerensky Government?

A. Yes, it has, and by the Revolutionary Government of Russia.

Q. And that was adopted later in the phraseology, that very phraseology, by the President?

A. Yes.

Q. Of no annexations and no punitive indemnities?

A. He used those phrases.

Q. And it started with the Socialist Party?

A. In the United States.

Q. And the Peoples' Council took it up, and then the Russians, and then the President?

A. Yes, sir.

Q. And yet it originated with the Socialist Party, this very declaration?

A. Yes, sir.

Q. And what I am directing your attention to is this: the Soviets have an economic program and purpose, and as I remember it, the Russian Government was locally Soviet, or the all-Russian Soviet?

A. Yes.

Q. Now has this People's Council anything, in any character, kind or object with them?

A. No, sir.

Q. Does not deal with the economic problems at all?

A. No, sir, it was a propaganda, organized for the discussion of public policies.

Q. And those public policies were what?

A. As I stated them this morning.

Q. What were they, you may state them again?

A. I stated them this morning, and they were: to state the terms of peace, upon which the allies were willing to open negotiations; second, to preserve the

civil liberties; and third, the maintenance of economic and industrial standards.

Q. Do you recall that you were actually a member of the Civil Liberties Bureau?

A. I do not, I think I told Mr. Barnes this morning that I was not certain on that point.

THE COURT: Have you refreshed your recollection since recess on that?

THE WITNESS: Well, I have been told—I tried to look it up, but I was never officially connected with the organization; but I remember sitting in at some of the executive committee meetings, probably unofficially.

Q. You understand, as a Socialist, or do you mean as a Socialist, in using the term "resistance" the abandonment of the legal proceedings?

MR. BARNES: I object to that, if the Court please, upon the same grounds.

MR. STEDMAN: It does not come exactly the same now, your Honor, because it has been brought out now that the Socialist Party never used that platform when they sent it out, not in the form that it was read to the witness on cross-examination.

MR. BARNES: Well, I object to it. On cross-examination I endeavored to get this witness's understanding of the platform and his counsel objected at that time. Now his counsel is endeavoring to bring it out, and I now must make the same objection.

MR. STEDMAN: I will withdraw the question and I will give you another chance to object again. I will frame another question.

Q. Do you mean by the term "resistance" the forcible and unlawful opposition to the execution of or compliance with the law?

MR. BARNES: That is objected to.

THE COURT: Is the word "resistance" used in

"The Great Madness" anywhere?

MR. STEDMAN: No, it is used in the platform.

THE COURT: I understand, but I would allow you to ask him to tell about that, if it occurred in "The Great Madness."

MR. STEDMAN: I rather think it appears somewhere in "The Great Madness" but if "resistance" doesn't appear there I am somewhat surprised that the word is not there.

Q. Do you recall the word "resistance" occurring there anywhere, Mr. Nearing?

A. I don't remember it.

Q. Well, find a page where that word is found, if you can.

MR. BARNES: I don't think you will find it.

MR. STEDMAN: If you say, Mr. Barnes, that the word resistance was not used there in "Great Madness," very well.

MR. BARNES: I do not think it was.

A. It is on the title page of "The Menace of Militarism."

MR. STEDMAN: Good. You offered that in evidence. Now, your Honor, I will repeat the question.

MR. BARNES: That is in a quotation from Woodrow Wilson.

MR. STEDMAN: Yes, and he adopts that phraseology.

Q. I am not asking you what Mr. Wilson meant, I cannot do that, but I will repeat the question that I put to you before: Do you mean by "resistance" a forcible resistance to the execution of the law or to appeals to the law?

MR. BARNES: I object to what he means by "resistance." If he wants to give his side of what he thinks Woodrow Wilson meant, to express his idea of this particular quotation, where he says, "if we

have forgotten how to object, how to resist," etc.

MR. STEDMAN: Of course, if you object, why I am not asking him as you seem to think to put the interpretation on what Woodrow Wilson had in mind, I am not asking him to interpret Mr. Wilson's mind.

THE COURT: I do not see that the witness's definition of "resistance" would be relevant to the controversy unless it appeared in "The Great Madness," or one of his other works. Or, unless in the course of his examination he had taken some position as to resistance. I do not understand that he did that.

MR. STEDMAN: What I am endeavoring to do, of course, is apparent. The word "resistance" is used in the document that goes before this jury. And it is well enough for us to speculate on the distinction and difference in a definite line of evidence, but the meaning that a word may take on, even when special stress is laid upon it, may be very different when it has not been properly defined to begin with. It may take on a different meaning, than it is likely to if the District Attorney should argue in the future, that he was advocating "resistance to the law," and "resistance to this and that and the other thing," his interpretation of that term, and I want to show that the defendant had by that, no such sinister meaning, but that he meant open resistance by legal means, which are open to any man under the constitution, and which is not the sinister meaning which would be attempted to be argued into it if we did not have the proper definition before us.

MR. BARNES: The point about that is, that this is a question that the witness had been questioned about by the Government, and he testified to it before lunch. After lunch—I object to his telling about it now.

Q. Do you believe in resistance to compulsory

military training and to the conscription of life and labor, resistance being an open and unlawful violation of the law?

A. I do not.

Q. Mr. Barnes asked you whether you knew that munition contracts were let to the lowest bidder. I believe you answered and said that you did not know. Is that the answer?

A. No, I did not know about the awarding of contracts.

Q. You were asked in regard to the referendum taken as a result of our entrance into the war. Do you know as a matter of fact, that public action or referendums were taken, and that you have referred to them? Let me call your attention, perhaps to two instances where in Maine and Dakota referendums were taken.

MR. BARNES: He mentioned those in his pamphlet.

A. Yes, they are in the pamphlet.

Q. They are in the pamphlet, I believe?

A. Yes.

Q. That was a postal card referendum taken by Lundeen, for one——

THE COURT: Those were unofficial?

MR. STEDMAN: Those were unofficial, if your Honor please. It was taken by sending a letter inclosing a return postal card to the voters in the district and getting returns.

Q. Are you familiar with that, how that is done?

A. There is a statement to that effect in "The Great Madness." I recall that, and there were Minnesota, and I think there was one in Massachusetts, one in Ohio and one in Wisconsin, and I do not remember the other instances, but they were overwhelmingly against the entrance of the United States into the war.

Q. Do you recall there was one in Maine also?

A. I do not remember that particularly.

BY THE COURT:

Q. Of course, in these unofficial referendums, you don't know to whom they were sent, or how broadcast they were, or what, do you?

A. No, there were quite a number of cases the Congressmen sent—took a section right out of his or their constituency, and sent to every voter in that particular constituency.

Q. You do not know whether it was a Congress district wide referendum, or the extent of it, or how absolutely impartial it was?

A. In the case of Lundeen, he got 8,800 answers back, I don't know how many he didn't get back, but eight thousand of them were against entrance and eight hundred in favor of it, a ratio of ten to one, as I recall.

Q. You don't know how many people did not answer the Congressman's letter, do you?

A. No, sir, no evidence on that point.

BY MR. STEDMAN:

Q. Do you know what total vote there is in Lundeen's district?

A. I do not.

BY THE COURT:

Q. Where did he come from?

A. Minnesota.

BY MR. STEDMAN:

Q. Speaking of the War of 1861, do you recall as a matter of historical knowledge, that the issue of the war was a political issue, prior to even the nomination of Abraham Lincoln in the Douglas-Lincoln debates?

A. Yes, that was in 1858.

Q. That was the issue, wasn't it, throughout, the North, made very clear at that time, and the anti-

Secessionists of the North won that election, did they not, that is, opposed to secession, in the North?

A. Yes, sir, in the electing of Mr. Lincoln, that was won by those opposed to secession, yes.

Q. Mixed up of course with debate, that is, between those opposing and in favor of slavery?

A. Yes, sir.

Q. And in the army that they were enlisting, there were those who were not opposed to secession, but those who went into the army because they were opposed to slavery?

A. Yes, sir, both of the issues were very prominent in the enlistment campaigns.

Q. Some went in on the loyalty issue and the nationalism issue, and others went in on the Bill of Rights, or Civil Liberty issue, that is, one went in for one reason and others went in for other reasons?

A. Yes, sir.

Q. And in 1848 with Mexico, in that war, do you recall that that was also a political campaign fought out on that issue and that Lincoln was one of the opponents in carrying on the campaign against President Polk, during that time?

A. During that war, yes.

Q. Do you remember before the entry into the war there, that that was a campaign issue?

A. Yes, sir.

Q. And it was developed through a desire for the adding of one more State, that is one more of the States to the one side, to strengthen and maintain its economic position?

A. Yes, sir.

MR. BARNES: Do you mean does this witness recall that fact?

MR. STEDMAN: No, does he know it as a matter of historical information, of course you do, but the

rest of us do not.

Q. And the war issue of 1916 to the extent th developed itself in the United States, placed Democratic candidate in the position of anti candidate?

MR. BARNES: That is objected to on the gr that it is argumentative and not proper.

THE COURT: Objection sustained.

MR. STEDMAN: I do not think of anything n I think that is all, Mr. Nearing.

MR. BARNES: That is all.

Scott Nearing's Address to the Jury

MR. NEARING: Gentlemen, I am on trial here before you, charged with obstructing the recruiting and enlistment service to the detriment of the service, to the injury of the service, and with attempting and causing insubordination, disloyalty, mutiny and the refusal of duty within the military and naval forces.

That is the charge of the indictment and that is the charge upon which I am being tried.

The prosecution has not been able to show a single instance in which recruiting was obstructed. They have not been able to show a single instance in which insubordination, disloyalty, and refusal of duty were caused.

It has been seventeen or eighteen months since this pamphlet was published. During that time there have been about nineteen thousand copies of it loose in the country, and the prosecution was unable to bring before you a single instance where these things have actually occurred.

How then, do they seek to make out their case? Mr. Barnes said, in his opening:

"It is not necessary for the Government to show that there was an actual obstruction in the sense of a physical obstruction; it was not necessary for the Government to show actual mutiny and disloyalty, but the publication of this book in itself is sufficient to result in a conviction."

In other words, the Government maintains that the publication of this book, and the intent showed by the publication of the book, and by their surrounding evidence is sufficient to warrant a conviction.

So that the only act that is alleged against me is an expression of my opinions: writing in this book and expressing my opinions on the St. Louis Proclamation, of the Socialist Party platform.

The act and the intent are both to be construed from my expressions of opinion. It has not been shown that I obstructed enlistment, that I tore down enlistment posters, that I told men not to enlist, it has not been shown that I went among soldiers and asked them to mutiny, or to be disloyal or to refuse to perform their duty, none of these things are shown.

I am charged with writing and having sent that writing to a publisher and had it published.

I am charged, furthermore, with expressing further and other opinions in the pamphlet on militarism and in certain other ways, so that the whole crime of which I am supposed to be—according to the prosecution's case—guilty, the whole crime consists in my expression of opinion, and the intent which they propose to show, both arising out of my discussion of public questions.

Now as to this book, you have heard it read or have read it, and I suppose all of you have or have had or will have copies.

This book was written in order to present a view held by many people—held by me among that number—on the greatest public question that has come before the American people, I suppose, since the Civil War.

It is a book written on the greatest issue that we have viewed in our generation. It was written openly, sent to a publisher, sent to Washington and

copyrighted and sent through the mails throughout August, September, October, November, December, January, February and March and until the indictment was found in April.

During all of those nine months, this pamphlet went through the mails, and as some of you know, the Post Office Department has been very rigorous in enforcing its decisions with regard to unmailable matter; and all through those nine months that pamphlet went through the mail and it was never once stopped to our knowledge. It was copyrighted, it was sent through the mails for nine months, it was sold openly in the Rand School bookstore and in other parts of the United States. So far as I know, (and I am in touch with the situation), it never was given away, but sold for ten cents, openly, without any attempt at concealment.

In other words, gentlemen, I took on this great public question, a certain position; I presented my views in this book, and I am indicted for writing the book because the prosecution alleges it caused—it was an obstruction or it caused, or it was an attempt to cause disloyalty and mutiny, therefore if I am convicted under this indictment I will be convicted for an expression of my opinions. There is no other evidence before you except my opinions.

The District Attorney has not shown a single act except those involved in the expression of an opinion, either on the witness stand or in the various writings of mine which he has brought before you.

So that by convicting me for writing this book you convict me for public discussion, and you draw my intent from my discussion. On the same ground I think all of the opponents of any administration during the war might be convicted for opposing in any way the administration, because in opposing an ad-

ministration, any opposition to it tends to dampen the ardor, and to hold back and to check enthusiasm.

All through my life, I have been interested in preserving the institutions of democracy. That has been one of the things, as I tried to point out on the witness stand, that seem to me fundamentally important. I believe that democracy is a better form of social organization than aristocracy, or monarchy or any other form of Government that the world has ever known. Discussion is one of the purposes of democracy. Democracy means that a people talking a question over, thinking it out and reaching a decision upon it, may then register that decision.

The only way to have intelligent public opinion is to have discussion, and the moment you check discussion you destroy democracy.

When any adminstration, whether in Russia or Germany or England or the United States, stops any discussion and puts its opponents in jail, that has destroyed the institution of democracy because democracy rests on discussion; and the only way in which we can preserve democracy is to reserve to every citizen of the democracy the right to express the convictions that he has: the right to be right and the right to be wrong.

The Constitution does not guarantee us only the right to be correct, we have a right to be honest and in error. And the views that I have expressed in this pamphlet I expressed honestly. I believe they are right. The future will show whether or not I was correct, but under the laws, as I understand it, and under the Constitution as I understand it, every citizen in this country has a right to express himself, subject always to the law, subject always to the limitations which the law prescribes, has a right to express himself on public questions.

The moment any administration enters and shuts down that right, that moment democracy ceases to exist.

Now the principal question that enters into this thing is the question of intent. Mr. Stedman, I imagine, will talk to you about the law, or about the legal consideration, and the Judge, I believe will charge you with regard to the legal aspect of the problem of intent.

I am not a lawyer, and I cannot speak to you regarding the legal phases of the case, but I should like to say a few words about this problem of intent.

We have tried to produce evidence to prove to you that for the last twelve or fifteen years I have been a student of the institutions, standards and ideals of American life. Ever since the time that I entered college and indeed from the time I was in High School, I have been profoundly interested in seeing a certain thing done in the United States: I wanted to see liberty first, because I believe liberty is fundamental in society; then I wanted to see justice. I wanted to see that people got opportunity, that the boys and girls that were born had a chance to be well born and well brought up.

And during these twelve or fifteen years I have been busy with that problem; that has been the thing to which I have devoted all of my life thus far; that is the thing in which I have been profoundly interested —profoundly interested because I came to the belief many years ago that with the resources of America and the opportunities in America we could have a very much finer and a very much higher standard of life here than we actually have.

My studies and my investigations have led me to certain conclusions: for example I believe that economic forces are fundamental forces. I tried to point

that out in the course of my testimony, just as plants in a garden draw their nourishment from the dirt, so men and women in a society draw their life from economic sources. They eat, they wear clothes, they live in their houses, and every time that the sun rises they have got to do those things, we are thrown back to that life. In the garden you get roses, you also get lettuce and turnips, fruits of almost all kinds—all products out of the same dirt.

And so in society you get different minds, different thoughts, different ideas, different standards of life, and they all reach back to the same dirt: to the food, clothing, shelter, and the necessary economic things of life.

If you cannot get these economic necessaries you cannot live. Therefore in that sense, economics is fundamental in the minds of people, so fundamental that all through history, people have fought over the river valleys, over the choice sections of the earth; so important that today in the United States forty million people are engaged in gainful occupations, working for a living, because without work we cannot live; without an economic background to our life we cannot get anywhere.

I believe that those economic forces which are so fundamental have always shown themselves in society, in struggles between the possessors and the dispossessed. Whoever possesses the resources and the economic opportunities controls the means of life.

In the early years of American life, where every man practically had a farm, or an opportunity to get one, economic opportunity was widely distributed and resources were free. You could go out to the border, to the edge of civilization, out to the frontier world and take a farm or take a piece of land.

About 1890 the resources in this country were ex-

hausted. There were no more free resources: all the important timber, all the important minerals, all the important parts of the earth, practically, were taken up; and from that time until this, we have seen a gradual widening chasm between those who possess the necessities and those who do not.

When the Constitution of the United States was drafted, Madison, Jefferson and other men, saw the danger, and they tried to provide against it. They were not successful. At the present time the ownership of most of the United States is in the hands of a tiny percentage of people. And here in the City of New York where the land alone is worth five thousand millions of dollars, the improvements three billions more, where we have over four billions of dollars in our banks, savings banks and others, four billion five hundred millions of bank deposits in this City, and the Board of Education and the United States Food Administration report 280,000 children in the schools inadequately nourished to such an extent that their health is injured: twenty-one and one-half out of every hundred children in the City of New York are seriously underfed. In this same City we have people with incomes of five hundred thousand and a million dollars a year; people who could live on five thousand or ten thousand dollars, and have all the comforts and luxuries,—the simple luxuries of life.

Here we have on one hand a quarter of a million hungry children, and on the other hand, half a billion wealth in the hands of the few.

Lincoln, in speaking against Judge Douglas in 1858 on the slavery issue, said that no order of society can last, in which one man can say to another man, "You work and toil and earn bread, and I will eat it." Now that is the society that we have established: one man works for his living, another man owns property and

from the rent and interest and dividends which he gains out of his property ownership, he lives without work, if he desires.

And another man creates the shoes and the clothes and the food and the other good things that he uses, and he has those things, possesses them, enjoys them, without himself ever raising a finger to toil.

At the present time there are people at Palm Beach who have never worked for their living. They are down there living extravagantly and enjoying the soft breezes, getting strength and health.

There are men and women here in New York who have worked all their lives, been honest and sober and tried to bring up families and today they cannot pay the landlord and the grocer and the butcher and keep their children healthy under this capitalistic system although they are sober, earnest and honest, industrious people, and all of it due to the fact of the economic system under which they are living because the wages that they get are not sufficient to buy the necessaries of life, as I tried to point out on the stand in my discussion of the wages problem.

On the other hand there are people—these people who live in ease, comfort and luxury, who have never raised a finger to produce one solitary article of food, clothing or shelter, or luxury or any comforts, and this is so all the time and my studies have taught me that these conditions exist. You know them. No one who has read or thought about the conditions in the United States but knows that those conditions are true, and I say to you gentlemen that as long as those things are true, just so long will it be impossible for us to have stable peace and order in our society.

No person is more anxious than I to have an ordered, well conducted society, but I do not believe that it is possible to maintain order in society where

e man or one group of men living without labor, luxuriously, and another man, or group of men, in spite of their most earnest efforts, are unable to provide their families with the necessaries of life.

In the past this same question has been raised and the past men have come to the decision—and I agree with that decision—that the only way in which we can have justice in the world is to have economic justice. An economic justice is only possible where the majority and not the minority, controls the necessaries of life.

If democracy means anything, it means that the majority of people control the conditions of their own life. In the United States, a tiny minority controls economic affairs. And so long as one small group of men own the jobs, own the products, and own the surpluses of industry, so long will the majority be unable to secure justice. And that is why I believe that the majority of people must control in industry and economic affairs as they are controlling in the political affairs. That is why I believe that we must have industrial democracy as well as political democracy.

Now I say this, that all of these years I have been studying such problems, and I have reached those conclusions. My say-so on that is of no importance. The existence in New York and other American cities of starving children side by side with fabulous wealth, and idle people, is the thing that should be of profound concern to every person who lives, or rather to the future of the society in which we live.

At various times, as we pointed out, I have written down my conclusions in books. We had here the other day a set of those books. Some of them are purely statistical, full of tables and figures. Some of them are text books, some are pamphlets like this

together a great body of in-
to me to be important, I
published it, and in some
my own expense. Statistical
expensive, and if you sell one
statistical book you are doing
won't take them, and authors

books because I felt that as a
obligation to the community
I was working in the State, or
sity. I was working at a com-
I had three months' vacation in
had leisure during the year, and
sure in working over social prob-

whenever any person gets anything
alue to the other people in the com-
his obligation to turn that thing over
whether he is a scientist in physical
teriologist, a chemist or a scientist
and economics, or sociology, when
a method of separating milk, or for
acteria, harmful bacteria in milk, or
s a method of checking influenza, or
erculosis, and gives it to the world,
ms the gift, and its giver.
a man discovers, or so-called science
od that will make people happier, give
portunity, a greater liberty to enjoy
ce, I believe he has got exactly the
to state what he has found. If they
well and good, if they don't agree
goes on to his own scientific problems.
the witness stand that five of these

books dealt with distribution: A book on wages, a book on the standard of living, a book on the cost of living, a book on income and a book on anthracite industry.

When I published those books I knew that no man could take a stand that I took in those books, and hold a job in an American University; and I published them because I wanted the American people to know the truth about the most fundamental economic questions before them today: the question of the distribution of wealth.

We have learned how to produce wealth in large quantities, but we haven't yet learned how to distribute it, and I wanted the American people to know the results of my studies and researches regarding the distribution of wealth.

I published those books, and as we mutually agreed, and I said in the course of my direct examination on the stand, the university and I parted company. I then went out to Toledo. After I had been there a year and a half the question of preparedness came up. I regarded the question of preparedness as a question of fundamental importance to society. I knew who was behind the preparedness campaign. I knew that no man could hold a job in the American universities and take the stand that I took on the preparedness issue. I wrote the "Germs of War" and went all over the United States, speaking on preparedness, and speaking against preparedness. I spoke in favor of a movement of preparedness that I believed will alone safeguard business and justice among men.

The Toledo University and I parted company. Then we entered the war, and I saw what I believed to be a great menace to the liberties of the American people, namely: the growing power of the plutocracy, the growing power which it was gaining through the war

and so I wrote this book on the "Great Madness" in order to try to point out to the American people exactly what was happening.

If you will notice, the book is not a denunciation of our society, it is not a denunciation of our Government, it is an exposition of certain events in terms of their economic significance. I tried to show how the economic control of the country, of the resources, and of American life is manifesting itself all through the social structure. I published that book, and here we are.

For fifteen years I have been speaking and writing and stating my views on public questions. I have stated it openly, I have stated it as honestly as I could state it; I stated it to the University of Pennsylvania, and I stated it at the University of Toledo, and I have stated it since I left the University of Toledo.

If I intended to obstruct recruiting or enlistments, if I had intended to interfere with the prosecution and carrying on of the administrative policies of the navy and army, either by creating insubordination and mutiny, or otherwise, I should have said so; I should not have written a fifty-page pamphlet and sold it for ten cents each; I should have gone out and told the soldiers so, and I should have told the prospective soldier so. Never in my life have I gone out and done anything indirectly. If I have wanted to say a thing, I have said it; if I have wanted to present a matter I have presented it, and taken the consequences. If I had wished in this case to obstruct or to interfere, I should have obstructed and interfered and taken the consequences.

The District Attorney was at considerable pains to prove to you that I am a Socialist. He asked me questions about the St. Louis Platform. He asked me questions about the Socialist Party Platform; many

questions, in order to prove that I am a Socialist. I am a Socialist.

I want to tell you something about what that means: in the first place, I am an internationalist; that is, I believe in the brotherhood of all men. In the language of the Declaration of Independence, I believe that all men are created equal, that they have certain rights to life, liberty and the pursuit of happiness. That holds true of the man that lives next door to me, and it holds true of the man that lives in South Africa, and the man that lives way over in Asia. I believe in the Brotherhood of Man.

I believe that ultimately the whole world will be federated together, just as these United States are federated together. There was a time in the United States when a man that lived in Georgia or Virginia, or New York, was perfectly willing to quarrel with a man who lived in Pennsylvania or Massachusetts or in New Hampshire. If you asked a man a hundred and fifty years ago where he was from, he said, I am from Virginia; I am from Pennsylvania. He now states, I am from the United States, not, I am from the American Colonies. He was a Virginian first and an American second. But that time has passed.

Today America is kept first, and Pennsylvania second. And the time will come when the man from North America and the man from Europe and the man from Africa will say, I am a member of the human race; and the human race has certain common interests, certain common obligations, and first among them is the recognition of the fact of the universal brotherhood of all men.

I am from the United States? Yes. I am from New York? Yes. I am from Buffalo? Yes. I have a home in Buffalo? Yes. I am loyal to my home? Yes. To Buffalo? Yes. To New York? Yes. To

the United States? Yes. And I am also loyal to my fellow brother man.

In other words, we Socialists look forward to a time, and certainly we are not alone in looking that way,—there are others who are not Socialists who agree with us in this,—we look forward to the time when the peoples of all the world will join hands in common brotherhood. And when we say we are internationalists, that is what we mean. A man, yes, outside the boundaries of certain nations, but within the greater boundaries of the world, he is within the boundaries of the whole world, and he is a member of the human race. And we are internationalists, in the sense that we believe in our obligations to our human brothers, and that they are the supreme obligations of the world.

That does not make us any less loyal to our homes or to our cities or our nations, but it does give us a larger and a more comprehensive loyalty.

In the second place, believing that, I believe that we can do the things that are necessary to bring human brotherhood into reality.

What are the facts of international life: education internationalizes, science internationalizes, commerce internationalizes, industry internationalizes the processes and the methods of ideas, arts and letters and life, all internationalize. What then stands in the way of human brotherhood? Why, the thing that stands in the way is that fragment of nationalism, that still remains, that fragment is capitalism.

And every nation, as I tried to point out in my testimony, in every nation there is a little coterie of men or interests who find it to their profit to keep national animosities alive. The peoples of the world have no animosities one against the other, but the rulers of the world fan those animosities into flame: religious hatred, class antagonism, national feeling, are all kept

boiling and stirring in men's souls.

You go to a restaurant, or you go to the shop or you go out on the street, and you will sit down together, and you will work together with Irish and Austrian, Italian and Slovak, side by side, elbow to elbow. The peoples of the world have nothing against one another, the people of the world have more in common than they have in opposition. It is the economic barrier, it is the economic division lines that create the difficulty.

And we Socialists, or I, rather, am interested—and that is the reason I am a Socialist—in destroying those economic division lines. How can that be done? I believe there is only one way. I believe that is the only way to destroy these economic barriers and make international life a reality, and that is, to give to those who work the full product of their labor; instead of having a man work for a part of what he creates, turning the other part over in the form of interest, rent and dividends to the owner of the job, I believe that the worker, the man or woman who was rendering a socially useful service should get the full value of his product. Then there would not be any surplus to invest in foreign markets, and in foreign opportunities. Then there would not be any surplus to be used by private individuals in the development of Mexico or China or Argentine.

You say then that those countries would develop more slowly. Perhaps. But when they did develop that country it would come from within those countries and it would be for the benefit of those countries and not for the benefit of some foreign capitalist.

I believe we will never solve our international differences successfully until we have taken out of the hands of individuals the right to invest surplus, the right to utilize vast quantities of wealth in the way that will create friction and ultimately international

dissension and war between the different groups of peoples. Therefore I am in favor of having the workers own their own jobs. There is only one way to do that now.

In early America, when there was no great aggregation of wealth, when each man could own his farm, he could own his job. At present the telephone system is a system. The railroad system is a system. The banking system is a system. The United States Steel Corporation system is a system. No one man can own his own job. You cannot own a rail, you cannot own a link, you cannot own a piece of a system because if you take out that piece, your system is cut. If you take out a telephone exchange, you break down the integrity of the telephone organization.

Therefore the only way in which one man can own his job is to own it collectively, that is, the whole system. So that we believe that all the people who work should own the tools with which they work, just as all the people of the United States own the harbor of New York. I believe that all of the people of the United States should own the railroads and the banking system and every great social product in its entirety, just as they own the post office, just as they own several great irrigation plants, and the Panama Canal, and some other similar developments.

I believe the only solution, the only possible solution is that the people, all of the people, that they may have free economic life, is that they control the political life.

One hundred and fifty years ago they would have laughed at the idea of having a political democracy. Napoleon said a republic of twenty-six million souls were folly. He sneered at the concept that people could govern themselves politically. Today we are beginning to wonder whether it will not be possible

for people to govern themselves economically, and today, as I hold, there are many who see here the coming principle, the great proletariat control of economic affairs, and who regard it as a ridiculously absurd thing, an impossible thing, but as I say, democracy means control by the people, and I believe in democracy, and I believe therefore in the control by the people of the machinery of production. Just as I believe they should control the city government, just so I believe they should control the other branches of life. Just as they control the political returns, just so they should control the economic returns.

And so it seems to me there is no solution in any other way than similarly to control economic problems as we control political problems. They have both national and international systems.

Some of you have noticed recently that the war is over, but yet there is turmoil all over the earth: turmoil in Britain, turmoil in the United States; strikes, disturbances, and we are having very many problems yet which have not been solved even though the war be over. The solution of every problem depends on its being settled right, nothing ever is settled until it is settled right, that is, until it is settled to the best of our belief, it is not settled; and I believe that the Socialist philosophy presents to us the best avenue along which to approach the settlement of these stupendous problems of our economic life.

I do not say that the socialists have the entire solution. I do not say that the socialists when they come into power, as they surely will come into power, will dispose of all the problems of the world. By no means, as there will always be problems; but this we believe, going forward step by step through mechanics, and through chemistry, through applied science, we are solving the problems of production and are able to

turn the resources of nature into food and clothing and shelter, and the other necessaries of life, so I believe society must solve the problem of distribution.

Facing all of these problems equitably, and in the light of past experience, we believe that the only solution is to turn these things over, that is, operate and turn them over to the people who own them.

As I said the other day when I was on the witness stand, that soap is made and it should be made to keep people clean, and that if shoes are made they should be made to protect people's feet. If food is produced it should be produced to nourish the human body. But as it is today, we are making soap for profit, we are making shoes for profit, we are making food for profit. The profiteering has become, and justly so, a word of contempt and opprobrium, and profiteering lies at the heart of the capitalistic system.

The present system was organized, that is, the present system of industry was organized for profit and not for the service of mankind; and I am one of those who believe that you can never have an exact solution of any social problem until you have the machinery organized for the benefit not of the very few, but for the benefit or for the service of the great masses of the people. In other words, as they said in the eighteenth century, the greatest good to the greatest number. That holds true of economic as well as political questions.

The District Attorney also asked me a number of questions concerning my attitude towards the war. I wish he had put the Bible in evidence and asked me what I thought about the phrase, "Thou shalt not kill"; and about that other phrase, "Overcome evil with good." But he didn't do that. I would have said that I agreed with those phrases as I agreed with many others.

I told him that I believed this war was a capitalists' war, that is, that I believed that it was a war between capitalist nations. When the war broke out there were no other kind of nations on earth than that kind—so that there could not be anything else but a war between capitalist nations. By the capitalist nation we mean a nation that is dependent upon a capitalist system of production, production by means of machinery—capital.

All the great nations of the world were capitalist nations at the time the war broke out. The war was necessarily a capitalists' war. A war between capitalist nations, and as we all know now, or think we know, it was primarily a war over the trade routes to Persia and Syria, or over the "Berlin to Bagdad Railroad" if you like, to put it that way; a war open to commercial and financial rights.

I read you the other day a number of statements from the Navy League, and you will remember it is an ultra-capitalist, an ultra-conservative organization, in which they said exactly that thing which economists have stated for so long a time; students of history have said it for a long time; the Navy League comes forward and says the same thing; Mr. Wilson has repeatedly stated, and I believe it was a war between the capitalist nations and I believe it had as its chief business certain benefits for small groups of capitalists. That does not mean that I believe the people who entered the war, entered it for capitalist reasons. Obviously they could not because they had no capitalist interests. The masses of people in all the countries involved have no capitalist interest; they were being exploited, they were being worked; theirs was the loss, to their prejudice in all of the capitalist countries of the world. They entered the war for what they called patriotic reasons; they were loyal to their

country; they believed that they were defending their country, their homes and their firesides and their liberties, from invasion; they entered it with enthusiasm, and they entered it honestly and sincerely, with no capitalistic motives whatever; they entered it honestly and sincerely, just as the nations entered it honestly and sincerely with capitalistic motives. And I honestly and sincerely believe that they sincerely and honestly and patriotically and altruistically entered the contest, that is, these people. So I say I believe it was a capitalists' war, a war between capitalist nations over financial and economic issues: coal, iron, trade, investments, opportunities, and the Navy League backs me up, and a lot of other authorities from that side of the fence back me up.

I told the District Attorney on the stand that I was opposed to all wars. I regard war as a social disease, something that afflicts society, that curses people. I do not suppose three people in a hundred like war. I do not suppose that three people in a hundred want war. There are some people who are pugnacious, and who love to fight, for the sake of a fight, and they might like war, but I do not believe there are three people in a hundred, certainly not five in a hundred, that do.

I believe the great majority of people agree with me that war is a curse, an unmitigated curse. All the things that come out of war come out in spite of war and not because of it.

The democracy that has come into Europe, whatever it is called, has come in spite of the war and not because of it. That would have come out in any case, and we would have had it without the expenditure of twenty million lives and a hundred and eighty billions of wealth.

I regard war as a social disease, a social curse, and

I believe that we should stamp war out. To my mind the great curse of war is not that people are killed and injured, not that property is destroyed. That happens every day in peace times as well as in war times. To my mind the great curse of war is that it is built on fear and hate.

Now fear and hate are primitive passions; the savages in the woods are intimidated by fear and hate. They do not belong in civilized society. In civilized society, for fear and hate we substitute constructive purposes and love. It is their positive virtues. When we fear things, we draw back from them. When we hate things, we want to destroy them.

In civilized society, instead of drawing away from things, and wanting to destroy them, we want to pull things together and build them up. Fear and hate are negatives. Peace and love are positives, and form the forces upon which civilization is built. And where we have collectively fear and hate, it is a means of menace to the order of the world.

Furthermore, during war, we ask people to go out and deliberately injure their fellows. We ask a man to go out and maim or kill another man against whom he has not a solitary thing in the world,—a man who may be a good farmer, a good husband, a good son, and a good worker, and a good citizen. Another man comes out and shoots him down; that is, he goes out and raises his hand against his neighbor to do his neighbor damage. That is the way society is destroyed. Whenever you go out to pull things to pieces, whenever you go out to injure anybody, you are going out to destroy society. Society can never be built up unless you go out to help your neighbors.

The principle, "each for all and all for each," is the fundamental social principle. People must work together if they are going to get anywhere. War

teaches people to go out and destroy other people and to destroy other people's property.

And when Sherman said that war was hell, I believe that he meant, or at least to me that means, that war creates a hell inside of a man who goes to war. He is going to work himself up into a passion of hatred against somebody else, and that is hell.

The destruction of life and property is incidental. The destructive forces that that puts into a man's soul are fundamental. That is why I am opposed to all wars, just as I am opposed to all violence. I don't believe in any man having the right to go out and use violence against another man. That is not the right of one human being to have against the other, that is not the way you get brotherhood. That is the reason I told the District Attorney on the stand that I was against all wars. I am against duelling; I am against all violence of man against man, and war is one of those methods of violence.

I believe war is barbaric, I believe it is primitive, I believe it is a relic of a bygone age; I believe that society will be destroyed if built up that way. That is, I believe that they that take the sword must perish by the sword; just as they that set out to assist their neighbors are bound to build up a strong, cohesive united society. That is the field over which I went in my direct testimony and in the cross-examination.

I have been a student of public affairs. I am a Socialist. I am a pacifist. But I am not charged with any of these things as offenses. On the other hand I believe that as an American citizen I have a right to discuss public questions. I think the Judge will charge you so. I have a right to oppose the passage of a law. I think the Judge will charge you so. I have a right under the law, after the law is passed, to agitate for a

development of public sentiment that will result in a repeal of that law. I think the Judge will charge you so.

In other words, as I said in the beginning, in a democracy, if we are to have a democracy, as a student of public affairs and as a Socialist and as a pacifist, I have a right to express my opinions. I may be wrong, utterly wrong, and nobody listen to me, nobody pay any attention to me. I have a right to express my opinions.

Gentlemen, I have been throughout my life as consistent as I could be. I have spoken and written for years, honestly and frankly. I went on the stand and I spoke to you as honestly as I knew how. I answered the District Attorney's questions as honestly and as frankly as I could. I stand before you today as an advocate of economic justice and world brotherhood, and peace among all men.

And I wrote this pamphlet in the attempt to further those ends.

I desire to say just one more thing: this is America in which I am on trial, and America's proudest tradition is her tradition of liberty. For three hundred years people have been coming to America: Puritans, Pilgrims, Huguenots, Quakers, came over and formed the Colonies.

Later, the Irish, the Scotch, the Germans, the Russians, the Italians, the Syrians came here, not because of the hills and valleys, not because of the climate, not because of the language, but because of the liberty of America; and the men who came here and the women who came here in 1914, came here just as sincerely in search of that liberty as the men and women who came here in 1620.

For three hundred years the world has been looking to America, and coming to America for liberty. That

is the choicest and the greatest heritage, that which Americans love.

What was it that these people sought to escape in Europe? They sought to escape hunger, hardship, misery, suffering, and poverty. They came over here because they thought that the resources of America would yield enough food and clothing and shelter to feed and clothe and house every human being decently and comfortably.

They came over from Europe to escape ignorance and escape the darkness in which Europe had been kept by these rulers. They came over here for enlightenment—opportunity. Many of them came over here because it gave them the only chance that the world offered to express the truth, as they saw it. They left Europe because they wanted to escape prejudice, bigotry, class antagonism and race hatred. They came over here because they thought that here they would find brotherhood among men, because they thought that here all peoples were welcome to sit down together and enjoy the opportunities that America offered. They left Europe because of its military service, its wars, and the fear and hatred of war, that is, that war engendered. They thought to come over here and find peace and plenty. They left Europe because of tyranny and despotism; the tyranny of the landlord, the despotism of aristocracy and the owners of the sources of life.

They came over here because they thought that here they would find that every man had equal opportunity for life, liberty and the pursuit of happiness. They came here seeking that liberty of the body, the liberty of the mind and the liberty of their heart and soul, and Socialist liberty. That is the background of the country in which we are living.

That is the thing of which America is proud and for which America has stood; that is the thing for which I believe America will stand today.

There is nothing unique in our wealth. Other nations have wealth. There is nothing unique in our material possessions. Other nations have material possessions. But there was something unique in our liberty.

As I said to you on the witness stand, I am an American, my ancestors have been Americans for more than two hundred years. As an American I have certain rights and certain duties. Among my rights under the first amendment to the Constitution are the rights of free speech and the free press; the right to speak and print the convictions that I have. It was for those rights that our ancestors left Europe and came here. It is for those rights that some of us are contending today.

I care not for the prosperity of this country if we are going to have gag laws. I care not for the wealth of this country if we are going to be forbidden to have free speech, and an opportunity for expressing our minds and expressing our opinions and discussing the great issues that are before us.

In the old times of the Czar, we did not protest against Russia because she lacked wealth; we protested against her because she lacked liberty.

What was it that we found was lacking, or what was it that we found against the Kaiser in Germany? Was it that he was not a good business man? He was an excellent business man. Was it because he was not a good organizer? He was an excellent organizer. What we had against this man was the fact that he was a tyrant, that he trampled on the rights of other people.

They had wealth in Russia, they had prosperity in Germany. In America we want liberty. And I believe that as an American citizen, that is the dearest possession for which I can contend. That is my right constitutionally and legally. But if there were no constitution and no law, it would be my right as a member of a democratic society.

Furthermore, as a citizen, I have certain duties Citizenship involves duties as well as rights. If I saw that your house were on fire, it would be my duty to warn you and to try to put it out, that is, put out the fire, and if I could not put out the fire, to save as much of your goods and such of your family as I could save That would be my duty as a neighbor.

I have been a student of public affairs in this country for many years. I believe this country is in danger in dire peril. On the one hand I see imperialism militarism and war ahead of us. In our policy toward Mexico, in the policy that we are developing under the direction of preparedness advocates about which spoke last Friday, I see ahead of us imperialism and militarism and war.

This is not the last war, there is another war, and it will be a war between this nation and the nation that succeeds in the present contention in Europe.

On the other hand, I see ahead of us in our industrial life, exploitation, widespread, by the masters of those who work for them. I see that exercised with increasing tyranny, and I see ahead of us revolt. In other words, to my mind, the outlook in America is not bright, and I am upheld in that view by Senators by business men, by labor leaders, by all of the responsible authorities who are speaking today for America's future.

There are clouds on the horizon. I believe America is in peril and I believe that she is in peril from in

ternal disturbances; I believe that the danger lurks within. And I believe it rests primarily in our unfair and unjust system of distribution of wealth, and the income of the country.

As I said a moment ago, that if your house were on fire, it would be my duty as a neighbor to warn you and to try to help you save your property. I say to you now, that when I believe this nation is in danger, when I believe that our country is in danger, our common life and our common liberties are in peril, then it is my duty to warn you, it is my duty to speak out and to continue to speak out as long as I have an opportunity to do so.

You will say, if you went into my house and saved my goods, you might burn your hands, you might injure your clothes. True. It would still be my duty to risk my clothing and my hands in your service.

You will say if you speak out today against these perils in the land, you may lose your job, you may lose your liberty. And I answer you again that as a citizen it is my sole obligation to speak out when I see peril ahead, and stand the loss of position or of liberty or any other loss that may be entailed in issuing the necessary warning.

Gentlemen, I want to say to you that I want to see America free. I want to see liberty, opportunity and democracy here, as well as in every other country on earth. As long as America is not free, you are not free and I am not free. As long as any of us are in chains in this land, we are all in chains. As long as any are in ignorance in the land, we are in ignorance to that extent. As long as anybody starves in the land, we starve. As long as anybody suffers from despotism and tyranny, we are all suffering from despotism and tyranny. We belong to the body of this citizenship,

and we suffer in common with it, and we benefit in common with it.

As I said a moment ago, the only principle upon which society can ever be built is the principle of each for all, and all for each. The principle of union, the principle of joint co-operative action for the benefit and the service of all.

I believe that that action is the action of the people, the action of the masses, of mankind, and that sooner or later they will insist upon their rights.

As Lincoln said, "You can fool some of the people all of the time and all of the people some of the time, but you cannot fool all of the people all of the time."

The peoples all over the world are coming into their own, they are going to come into their own more and more as the years go by. They are going to come into their own in the United States, and what happens to one of us is incidental to the great question of what happens to all of us.

I have expressed my hopes, my ideals, my ambitions for liberty in America, and for brotherhood and peace among all people of the world. I have done what I could, and for the time being the matter is in your hands.

Seymour Stedman's Summing Up

MR. STEDMAN: May it please the Court and you gentlemen of the jury, the evidence in this case is upon a very wide range, all the way from the University of Pennsylvania to international finance and politics; from the Mexican border to Bagdad, and in fact we have been engaged in digging into all parts of the world during the last two days to a certain extent; and all the evidence that has been admitted as a legal proposition and under your oaths as jurors has been admitted solely to define and for the purpose of deciding an issue within a very narrow compass.

The indictment in this case, with the counts which have been submitted to you for your judgment, consists of two charges against two individuals—I am speaking of the corporation as an individual—the charge against the Rand School is that it attempted, wilfully attempted to cause insubordination, disloyalty, refusal of duty and mutiny within the military and naval forces of the United States; and that the Rand School—I am not going to give it any other name but its popular name now—did obstruct the recruiting and enlistment service of the United States.

These two charges against the Rand School are predicated and based upon the pamphlet called "The Great Madness."

The same two charges are made against Scott Nearing. You are to consider the evidence against each

one separately and apart from the other. It is t
that you are to take cognizance of the fact that "T
Great Madness" was published by the Rand Scho
but Nearing is not responsible for what may have be
in the mind of the Rand School and its officers; neitl
is the Rand School, for the purpose or what was
the mind of Nearing. So that considering this
jurors, they are two separate and distinct defendar
taking the evidence that has been admitted as to ea
separately, and determining from that the question
guilt or innocence.

The Rand School was started some twelve ye
ago, its principal donor at that time was a woman w
was generally known to the public—Carrie Rand, a
who, I believe, was a pioneer abolitionist. They co
menced in a private building, an old stone building
private residence. The scholarships continued to
crease, the classes grew, and in 1917, upon the exp
tion of a lease to the place, there were some of th
who conducted—who suggested that they should p
chase a new and a larger building.

The photographs which have been offered in
dence here will picture to you the building which
under contemplation and which is now the home
the Rand School on 15th Street.

In 1917, during the summer and the late spring,
entire forces of that organization were engaged
sending out letters and communications for the p
pose of raising $60,000 or more. It was during t
time that a young man, who had charge of the b
department, was away on his vacation. Among th
who had addressed classes and had become instruct
in this institution were many who were very promin
in the universities in this country. The courses of
studies were somewhat extensive, running from

tory to office technique, civics and literary lines, even running classes in English for persons who were not proficient in the English language.

They also had a big book department, the primary object of which was to carry a class of alert literature, and I mean by that a class of literature that might be distinguished from Thackeray or some of the writers whose books are only sold in large sets, and which involve a great expenditure, in handling. The books that they were handling were necessarily of a class which were readily sold and where storage expenses would not be great and the capital invested would be very limited; books which were popular.

There were contributors or writers of pamphlets whom they recognized as men of authority and whose views they generally understood, and whose manuscripts were accepted without challenge outside of perhaps literary correction.

They issued a year book, and your attention has been called to the year book of 1916, and also to the year book of 1917 and 1918. Mr. Barnes referred to that and quoted passages from that book, passages from the St. Louis platform of the Socialist Party, passages from the immediate program. You will find a great deal more in that book. You will find quotations from the platforms and documents of various political parties. Primarily, however, it is labor and socialistic.

The book store was run for the purpose of selling books on all sides of the subject. The fact that in the Year Book they did not cover the ground of the World Almanac or the Daily News Almanac or the statistical record would prove nothing, because in that field there was no function for them to perform and no particular work, but there was something in the other.

For instance, if you gather up some books and look them over, you will find a record such as we find on pages 16, 17, 18 and 19 here, and I call your attention to just a few instances. For instance, this page contains the different bills introduced in the legislative bodies throughout March, April, May, June, July and August in 1917. That is the record of the bills introduced to abolish child labor law restrictions and suspending the limitation of the hours of labor for children, and eliminating the restrictive conditions of women's work and general reactionary legislation.

Now, it was a legitimate thing for the organization to publish that book. To publish these things tabulated in form so that anyone buying the book might read it. That certainly does not determine any mental attitude in opposition to recruiting or obstructing recruiting or having a tendency to create insubordination and disloyalty.

Now the issuing of this pamphlet "The Great Madness" came about from the sending in of the manuscript, the book being written probably during the period that the selective draft law was in consideration, was received by the society after the first of August and published by them after the first of August and circulated mostly of course after that.

The proprietor of the bookstore read portions of it and recognized the fact that it would be a good seller. It had Scott Nearing's name attached to it. And mark you, gentlemen of the jury, this evidence comes from the government's witnesses. They are to prove the case against the defendants. And when they put witnesses on the stand against the defendant called by them, and their own witnesses testified that they had no evil intent, they are precluded by that fact. In other words, the evidence as to the Rand School cir-

culating that, comes from the stand here and comes here vouched for by the government, and when a lawyer puts a witness on the stand, the prosecution or the defense, he vouches—he does not guarantee—but he vouches for the truthfulness of his statements. These were not men produced by us but by the prosecution. They put them on the stand and did that to show the printing and circulation. They proved the contents. Mr. Cohen, did you read it? Mr. some other man, did you read it? Mrs. Mailly, did you read it? What was the purpose of the examination? To show knowledge. Yes, and coupled along with such knowledge as they had, came the evidence that they did not publish it for the purpose of obstructing the recruiting and enlistment service, or for causing insubordination and disloyalty. The government's witnesses exonerated the defendant, this school.

The charge in the indictment in this case is confined to the particular function named. We are not concerned with what may be generally termed as a "state of mind." The state of mind generally means nothing when it comes to the proof of a prosecution in a criminal case. The question as to whether the person proposed the accomplishment of the criminal act charged is material. Not only whether they proposed to accomplish the result, but now what result they intended to accomplish and pursued the course to accomplish that end. In other words, one is knowingly and the other is intentionally. Intentionally, that is with the purpose. Wilfully, that is, with complete knowledge and a determination—a will to act and accomplish the prohibited end.

Is there any evidence in this case that the Rand School by publishing twenty thousand copies of a 56-page pamphlet, in the face of issuing some 350,000 pieces of literature in a year, that these people were go-

ing to jeopardize the life of their school, with these four thousand pupils; that they were going to take a chance on going to the penitentiary by issuing a 56-page pamphlet dealing with a theoretical cause of the war?

Nothing but a war mania could have brought about a prosecution of that case before this jury or any jury, and you know it. Some very stupid person, possibly, might have issued a pamphlet of 56 pages to accomplish the result of that kind, but no one with brains, no one like these people, would ever do it in the world. If they wanted to obstruct the recruiting, do you suppose they would issue a pamphlet of this kind? Do you think they would have issued a theoretical document? Not at all.

Let us see the document they might have issued: Suppose it had been about four pages, and they said, "Young men of America, you have been reading the papers for the last four years—for the last three years, and you have read how heaps and heaps of men were dead between the trenches, that is between the French and German trenches, and how they poured oil on them, and they burned them, and the smoke, the blue smoke, the fumes went one way and the other, and the odors and the stench from it, and the thousands and thousands that are raving maniacs in Germany and in France."

They would have pointed out the conditions that the newspapers were calling their attention to day after day; they would have called their attention to their peaceful homes and their mothers and their brothers and their sisters, and then the situation here. They could have emphasized the fact that the traditions of this country were to keep out of foreign alliances and foreign intrigues. All the way from the pest house all over the field they could have illustrated that the whole of Europe was one great madhouse, and could

have made references to arouse their passions and their prejudices, and then said, "Young men, are you going to enlist? We are civilized men. We are not beasts that we should be crowded into such as that. Young men, do not enlist. One will stand by the other."

And they could have sent that out by the hundreds of thousands—they would have done so. That is what I mean when I say that they would have done something active, something real in that line, if they had intended any such thing. That is what these people would have done, and that is what they would have had the courage to do, if they had believed in and desired that end.

We must judge men and women by three general standards in a case of this kind: First, what was the defendant's object? Second, the intelligence and accomplishments that they possessed and their ability to accomplish that object. Third, the courage to carry out that intent.

There is only one theory upon which you can assume that these people committed the offense charged here, and that is that they are arrant cowards, that they did really believe that way, but they didn't have the courage to do it. Maybe. But I submit that we have created an issue here that does not sustain that theory. We would not have published a document for that purpose containing 56 pages, or a pamphlet such as has been offered here, and the district attorney knows that. He knows that very well. That is why he drew an economic issue into this case and why the government put in the other issue of bonds. That is a question of taxation and the determining of the question of the desirability of an action.

Hundreds of people differ on the question of raising revenue by one method or another. President Wilson

insisted that it should be paid for as we went along. He changed his opinion on that, or perhaps if he didn't change his opinion, he didn't continue to emphasize it, because he saw that it was not perhaps a practical proposition.

Now to take a few illustrations! I venture to say that in your experience, you never knew of a person being tried for smuggling and evidence being permitted to be introduced before the jury that they believed in free trade. Counsel in answering that in his opening, and I anticipated it, said:

"If a person believed in free trade and they said I will not pay the tax, and then they were caught with diamonds, walking through the revenue office, that would be competent evidence."

He put in his statement before you, "If they said I will not pay the tax," and then "the diamonds were found in the pocket, that would be a part of the transaction."

That is entirely a different thing. He may probably tell you gentlemen when he sums up, that if a man was opposed to the tariff, that that would be competent evidence to prove as an element, that he was a smuggler. That is the question; would it?

Suppose as opposed to a trust law, but believing that trusts are the logical and natural growth of industrial society and on a prosecution for forming a trust, the prosecution called the man to the stand and you say, "Mr. Roberts," or you say, "Mr. Rogers," or you use any other name, "Mr. Harriman," or any other man: "Do you believe in the organization of industry in its highest trustified form? A. Yes." It is contended that that is evidence to prove that they were parties in forming an illegal combination.

We have had trust cases in the United States, a great many of them, and in all States of the Union.

If you can find one authority to show that any trust magnate on the stand was ever asked such a question and permitted to answer it, as an indication that he was guilty of a crime, I will retire from this case and ask my client to plead guilty. And yet that is precisely the question that is asked of him.

"You believe in war? No." That is a general statement, a general theory, not a specific one. It is the same as if a person believed in prohibition. I say, "You believe in prohibition? A. Yes." All right. Perhaps I had better say: "But you are opposed to prohibition." Perhaps in these times that would be more in point — "Do you oppose prohibition? A. Yes." Does that make you guilty of violating the law, for importing liquors against the law?

Counsel in his opening statement said, "Why it is true that if a man says 'I am going to violate the prohibition law,' and then he puts a quarter on a dummy that goes up and down, you can introduce evidence to show that he was not intending to buy cigars." Naturally, that is part of an immediate act.

If Nearing had said to anyone, when he sent this manuscript, "I hope the people will read that so they will become insubordinate; I hope that people will read that because I believe it will obstruct the recruiting or enlistment service," that would be a part of the proper evidence to produce here in regard to that matter.

I want to suggest another illustration: We are charged here with obstructing the recruiting and enlistment service of the United States. That language is fairly plain, and we have a right to assume that it is written for the understanding of the average citizen of the United States. We have a right to assume that it is not simply a trick clause, to trick people.

Now ,what do you understand by "service"? And I understand I may say that maybe the court will disagree with me on my definition here. I am mentioning it particularly because it goes to the question of wilfullness.

What do you understand by "service"? A person who serves. What do you understand by the "civil service"? The civil laws where political qualifications are eliminated in favor of merit. Departments which are operated by the city, state or the government; in time of peace the United States can pass a law like this one, and in that law say, "Whoever shall obstruct the civil service of the government, the postal department," or any other department, "shall be punished by imprisonment from one to twenty years, or a fine of from one to ten thousand dollars."

They can pass that precisely as this act, and instead of putting in "army" put in "postal service," or "patent office" or any other public department.

Now, if you can carry this question to a purely business basis, in an act of that kind we will just reason a little on that subject and see where it would lead us to.

I am a young man on the street, and I am addressing a meeting, and I say, "I would not recommend anyone to enter the service of the United States or of the city. You go into the civil service departments of the city or the government and you will find men who started there when they were young, and they have lost their ambition. They finally reached the position where they have not the courage to leave the service and strike out for themselves. They are demoralized, dependent upon their salary week by week, they became a part of that machine, you cannot tear them out of it. For that reason I would recommend that no man enter

postal service or patent office or any other civil service department of the government."

Would I be obstructing it? According to the construction which Mr. Barnes has placed upon today under this statute, I would be guilty of a crime. Do you believe that liberty is so absolutely paralyzed and dead in this country that you could not make the remarks which I have just mentioned? You do not. You know that if a law of that kind were passed, that I would still have a right to persuade an individual, and persuade a group, not to enter the postal department or to enter any of the City Hall positions, or to take a civil service position, because the opportunities outside were better. That would be a legitimate discussion. I would be appealing to their judgment upon that proposition. I would be appealing against the civil service law, against the civil service department, against what might be conceived by me as a sacrifice of their lives in the civil service position for life. That would be legitimate.

When this law was passed and the average man read it he understood "service" to be exactly what the word means in plain English, and in every single dictionary that may be found in the English language. You can not define service except on the theory that you are serving someone, some group, or state or some individual.

Counsel may suggest, that these are times of war, and therefore a different rule applies. My answer is that it does not apply; that the same rules of law apply at one time as apply at another. He will tell you that it was unnecessary to show actual obstruction. I say that it is. The indictment in this case says they obstructed. It does not say that Nearing attempted to obstruct. The indictment does not say

that the Rand School attempted an obstruction; the count under which they are charged there says that they did, intending voluntarily to obstruct the recruiting and enlistment service of the United States, and it is necessary for them, under this count of the indictment, to prove the obstruction, not that it was calculated to do that, not that it was possible, not that it possibly might do something, or that the natural reasonable possibility of creating an obstruction; we are charged here with an obstruction, and under that it is necessary, in my judgment, to show by evidence that warrants you in the belief beyond a reasonable doubt, that there was an actual obstruction.

Counsel may contend and say, well, that which would naturally lead a person, who was making a rush for a recruiting station, to hesitate, to pause, would be an obstruction. That is an interpretation which counsel may place on it. It may be an interpretation which the court may place on it. I will assume it was exactly the argument or even that it is true. In other words, I will assume that obstruction does not mean an obstruction, but it means a mental condition where a person hesitates when he is going, we will say, to the recruiting station. Then I say that in that category they proved nothing, they failed to prove it because—they lack evidence, and it is merely a conclusion they have been unable to prove that anyone was actually affected that way. But his contention is that they don't have to prove it because that is the natural meaning and intent of those words. I reply, let us assume that that is so. If in the course of nine or ten months a leaflet has been out, and you find anyone who has been affected by it, with the public forces at the hand of the district attorney, the command of the secret service and the government's police detectives, and the men who are in private organizations in camps

if these conscientious objectors, and they have found no one during all that time who comes forward and says, "I read it and I did not enlist." What would be your natural inference? What can you draw from that except that it didn't have that effect?

In other words, if a man is five feet from a man and he shoots forty shots at him, and he is a good shot, and doesn't hit him, there is but one conclusion, and that is, that he didn't intend to hit him.

If there are twenty thousand pamphlets going out and not a single individual is brought in who is influenced by it, the logic of it is that the persons that read it never understood it in the way the prosecuting attorney has understood it. And he will not bring in any one here, he has not suggested that anyone was influenced by it at all.

If you knew that the Postmaster of New York, or that the Postmaster General with the corps of officers in his employ, was reading every particle of literature that was in circulation, and especially that coming from organizations that they regarded as not wholly in favor of our interest in the war, and that those articles were copyrighted, and that it went for one month, for two months, for three months, for four months, for five months, in fact from August to May, without a single protest from the postal department, would you regard that as a fair circumstance to indicate that not only the defendants, but the government departments did not regard it as violating this section?

Counsel will argue that they are two different departments. That is true. He will argue that one does not necessarily have any control of the other. That is true. He may suggest that Mr. Lamar is solicitor-general for the Post Office, and that he has in his department, operating particularly on these matters John Lord O'Brien, who is particularly in charge of

those matters, and I say to you, if the men who are i charge of the postal department, and are looking fc violations, did not find this criminal in its characte it is a circumstance to be reckoned with in determinin the question of whether it was obviously and plainl a violation of the law, and as to whether it came withi the provisions which are denounced by the act.

The first proposition that we called to your atter tion was this, whether you as jurors will consider tha the reasonable hypothesis of innocence, was not dis carded with the throwing out of the two counts whic were the first in the indictment in this case. Howeve we are not concerned with that. We are concerned however, with the subject of a reasonable doubt.

We are concerned with the presumption of inno cence which surrounds the defendants in this case, an that presumption if carried into this case negative the theory upon which they now ask for a conviction

When I think of the evidence in this case in it entirety, I find that it occurs to me that there are re latively few details to really argue. As I listened t Mr. Nearing this morning while he was addressin you, I was wondering how a man could address a jur discussing a general economic theory which he a vanced so consistently and so consistent with the th ories which were advanced from the witness stan and yet leave any doubt in any juror's mind or a di trict attorney's mind as to what his general bent w and what his general purpose and object was. Ho a person who has been so open, and so plain in h statements, and the books which he has written, whi disclose his entire motive and his entire object and h entire purpose could leave any question in the mind any man as to whether or not he intended to speci cally do the thing which is charged in this case.

it were not that we were in war times a case of this kind would never be brought, and I do not mean by that, that if it were not for war there might be a statute of this kind. But I do mean that when an indictment was returned in this case, it was returned as is plainly evident, to stop a certain line of discussion and not because there was actually any faith in the fact that a crime was committed, or a jury would find that there had been a crime committed.

Mr. Barnes down in his heart does not believe that there has been, that either of these defendants in this case are guilty of the crime charged. He is performing his duty. He is clearing up the remnant cases that were started in this court during the time when that war was in its height, and in its progress, and when they thought that someone might step over the border line. He will never be able to suggest before you any theory upon which intelligent men and intelligent scholars and intelligent women would issue a document of this kind and to accomplish the result which he says they intended in this case.

The court will instruct you that motive does not make any difference. That is, supposing he was interested in the child labor question. Supposing on that question you can picture the children twelve years old and thirteen years of age in the factories, which aroused his thoughts and ambitions to change their mode of life. You might even picture hundreds of them standing here at the bar pleading for him who pleaded for them when they were unable to speak for themselves, yet that motive would not justify the acts charged here because whether his object was to do good or bad, the court may instruct you it makes no difference. We will concede that for the sake of argument, but we then meet the other: If that wasn't his purpose, what was

it? Was it the purpose of the Rand School, when they published this book, to cause—that is was the result insubordination and obstruction or was that the object of their conduct?

The fact that they were against the war is not evidence that can be used against these gentlemen on this issue. The issue is not that, and there is nothing in the evidence here that he was or that the school was, except "The Great Madness." There is nothing in "The Great Madness" where there is any solicitation or advice—and I use "solicitation" and "advice" because they were used in the indictment—nothing there about soliciting anyone to become insubordinate or not to enlist.

What is their theory? Their theory is this: We have gone into the language of the book. There is no solicitation in the language of the book; there is no advice given not to enlist, but did it have that effect?

First, in point, did it have that effect upon a person who was predisposed not to enlist because that would be monstrous, that would not be considerable? In other words, a person who would issue a book describing the form and the method of the commission of a murder, as a part of a story, and someone went and took that and committed murder, you cannot hold the man who wrote the book as guilty of murder, as that is a part of his story.

If a person advances a theory and someone predisposed in the beginning says, that that forfeited him in his belief not to do what he knew he should do, and said that that deterred him from doing it, that would then not be within the purview of the intent which we are trying to prove here. It is not a matter of, did it have that effect on anybody. It is this: What was the

necessary and the natural effect of that book on the average normal individual, and would it in such individuals result in obstruction? Would it on such officers and persons in the service cause them to mutiny or to be disloyal?

Now, if the effect must be upon the average human being and not on one who is demented or predisposed, then cannot you say, that they would be able to produce some witnesses, some one who would say that they were affected by it? If the government had any such, do you think for a moment that they would not have been produced, if there had been the slightest evidence of anybody that had been affected that way? Would this have the effect upon thinking people, the result of producing what the government claims was calculated to be produced, would it have the result upon the average human being? And suppose there were a thousand people in the country who had heard a certain thing, placed before them a certain idea, don't you suppose that there would be at least a few persons of those thousand who could be found who would testify to that effect upon them, if it was calculated to have effect upon anybody, and did have an effect upon anybody? If that is so, would not there be one of them here to prove this was a fact in at least one instance?

Gentlemen, I will hurry along. The Court will instruct you in this case as to the law, but I want to return to the Rand School for a moment.

A corporation is responsible for the acts of its agent within the rule of the real or implied scope of his authority. In explanation of that let me say that if a person is running a book store and an agent of the book store went out and bought a ton of dynamite it

would be perfectly apparent he would not be acting within the scope of his authority.

So that if the man went out and made that purchase for some purpose or other, that would not be in the direct line of his work, that is, within the real authority that he had, that would be an individual act of his. That is, if a corporation does what it does, it has to do that through its agents and board of directors. If the board of directors had instructed him to go out and perform some specific act, then that is within his scope of authority, that is, within the authority delegated to him by that board.

Now in this instance the boy who was in the book store was not instructed by them to publish this particular thing, this particular book, in violation of law. Now bear this thing in mind, that there were lawyers on that board of directors: there was Mr. Hillquit at one time; and there were other men of affairs on that board of directors, for instance, like Mr. Lee, an Alderman of the City of New York, was also associated with them on that board, and he was the educational director. All these persons were associated on that board.

Now unless they specifically directed the man to do it, or if it was not within the implied scope of his authority, they cannot be held liable for the character of literature that they published.

In other words, suppose you went over to a publishing firm, like Houghton, Mifflin Company, or some man went over there and handed to a clerk a manuscript of a book to have it published and the book was a book on burglary and that book was published; and that book treated on methods of burglarizing the safe in a bank, the use of various tools, electric torches and electric drills and possible curtain effects to be used in connection therewith, and all of those things, and

such a book was published by that concern, you could easily see that the stockholders of that company could not be held responsible unless this particular book and its publications, that is, the contents of the book and the authorization for the publication thereof had been brought to their attention and they had passed upon it before it was published.

Of course, along with that, if you found that they had been publishing books or treatises on the art of picking pockets and other crimes of that character, then you might well say it is within the same classification of books that they have been publishing and you could well say that it was their design, and that it was the same general purpose of their entire literature.

Now it will be pointed out that the general literature published by the Rand School was for the purpose of violating no law of the United States, military or otherwise. And at this time it may be proper to call your attention along with the other literature to which I have referred, to the books that have been published in opposition to socialism, to the fact that there were publications put out by this book store in favor of the war, that is, for the side of the propagandists also, gotten out by those who were specifically in favor of the war and its conduct, as well as those who were opposed to it.

And in that connection I come to the "Menace of Peace" by George D. Herron, and to a passage in that book which says:

"A peace based upon a drawn battle between the Germanic Powers and the Allies is nothing else than the capitulation of the world to Prussian might and mastery. And it would not only be a German triumph that such a peace would procure, but a triumph im-

measurably more terrible in its full and final results than Germany could have won by force of arms, even had they been successful.

"I believe I am safe in predicting that the victory of the Allies will lead to the banishment of war from our planet. But if Germany remains armed, the rest of the world must remain armed also, and the armament increased instead of decreased. A defeated Germany is the only condition of universal peace. A peace that left Germany with her weapons in her hands would be no peace but a preparation for wars immeasurably more terrible than the one that now baffles our hopes for humanity. Germany would soon be ready to fight more advantageously than she is fighting now; and, against the greater German menace, England and France would be obliged to maintain the large conscriptive armies their peoples detest.

"The present German mind is in truth the deadliest enemy, the harshest and yet subtlest seducer that the soul of the world has ever had to meet."

By the way, this that I am reading here is in italics.

"Say not we are the enemies of the German race who thus speak. Not we, but themselves, are the real enemies of the German peoples. We stand against that for which Germany fights; we are against the Prussian idea, against its power over Germany, against its purpose to conquer; but for the German peoples we wish only well. It is for their freedom as well as for ours we contend, and contend with pain in our hearts. Germany's true lovers are they who now stand against her, they who make war upon the lie that enslaves and slays her soul. The France that Germany has invaded is sacrificing her sons for Ger-

many as well as for herself. There are Germans, yes, there are thousands of understanding Germans, who are today praying for Germany's defeat as her only hope of salvation. As Edward Bernstein has recently said, 'Unless the war ends for Germany in definite defeat' her middle class parties will 'by hook or crook' maintain her existing militarism, and the menace of German militarism means the eventual madness of mankind.

"To me, there are no two ways, there is but one way wherein believers in freedom and fraternity, or they who hold to the true socialist faith, or the followers of the faith that was in Christ, may consistently walk. Before us, beckoning along that way, are the banners of Alfred of England and Albert of Belgium. The swords of Jeanne d'Arc and St. Louis are there; and the tread of the Garibaldians and the first French Republicans. The voices of Milton and Mazzini and Lincoln; and the visions of the Divine Assisian and the Patmos Apostle."

This is a book of the style that they had on sale there that was in favor of war, this was one among many that they had. The point of it all is to show that there was literature on both sides. They were not asking people to their store to buy only one specific line of literature, but they gave both kinds, both sides, each was equally free to be purchased that would throw light either on one side or the other of the proposition.

Now you must believe that within Karpf's actual authority now, that he published this pamphlet, and that he published it with the intent of violating the law; that they authorized him to violate the law and that it was within the implied scope of his authority, one of those two. That is, considering first the general work and the general publishing that he got out, that

they or he expected, and it was within their obvious intention, that they were publishing the work quite in violation of law.

Now as to reasonable doubt. Of course some of you who have served on juries have had that explained. Generally, courts define a reasonable doubt as a doubt based on reason which you know. That has always appealed to me as not as clear as has been defined by Chief Justice Field of the Supreme Court of Massachusetts, who defines reasonable doubt as a doubt which would cause a reasonable and prudent man to pause and hesitate in the greater affairs and transactions of life.

Bear in mind, gentlemen, that the presumption of innocence is always with the defendant and if, after considering all the evidence any juror in his mind pauses and hesitates as to what his verdict may be, the law steps in and demands a verdict of not guilty.

Now I doubt not the Court will say to you and so instruct you, that you have no right to conjure up capricious doubts, fanciful theories, for the purpose of creating doubt when no doubt should in fact exist. That is true equally as to your duty after there is some doubt. You should to conjure up capricious reasoning or fanciful reasoning, for the purpose of destroying or dispelling the doubt to try to say that there is no doubt when there is.

That explanation works equally on both sides.

Now returning again for a moment to Nearing, before closing: the Army and Navy League issued leaflets and issued their other publications, which were not for general circulation. Mr. Nearing commented on them and called your attention to them. The whole tenor of their publications from beginning to end was one of commercialism. In no instance in all that I read from there did they maintain that their argument for

preparedness was to secure or maintain human rights permanently above all rights; neither was it even for a localized national integrity.

Just one or two portions that I wish to read to you from here:

"Do Americans realize that one of the reasons why we must of necessity be intensely concerned in the submarine and trade warfare now waged between Germany and the Allies is that in not having any ships of our own with which to carry our four billion dollars worth of merchandise and the German ships being unavailable, that we will lose our two billion dollars worth of export trade unless merchant shipping of the Allies are free and able to carry our goods?"

"This question faces us squarely in this country:

"Will we continue to jeopardize our four billion-dollar trade with the world by trusting to luck, fate, or the good will of fighting nations which may have the shipping in which to carry our goods to safety or destruction?"

Again we see the idea is to afford avenues for the products of labor to be reinvested in foreign lands—another capitalistic outgrowth.

Then again:

"German standards of militarism would, of course, be impossible among Anglo-Saxons—" I don't know why they so defined it, and limited it—"but this does not minimize the fact that world empire is the only natural and logical aim of a nation that desires to remain a nation.

"We have now on our hands, it seems to me, a white elephant to some, a Republican Empire, and no longer such a question of doubting whether or not to have a navy as large as England's. The navy, for a coast line such as the United States possesses, a navy which could uphold the Monroe Doctrine, now moribund,

such a navy must be at least twice the size of the British navy. And the first step to be taken so as to secure that sized navy is for the American citizen to shake off the timorous manner which is our characteristic, in asserting our Federal rights. The imperialism of the American is a duty, a credit to humanity. He is the highest type of imperial master. He makes beautiful the land he touches, beautiful with moral and the physical cleanliness which sounds rather prosaic but is nevertheless the principal, happiness for the savage if not for the imperialist."

We are getting now to where we are going to have the savage in our midst satisfied.

"England certainly owns or has in some way a very large portion of the earth's land surface and practically has for some time, until quite recently, controlled the oceans which cover the hidden land surface. There should be no doubt that even with all possible morals, it is the absolute right of a nation to live to its full intensity, to expand, to found colonies, to get richer and richer by any proper means such as armed conquest, commerce, diplomacy."

In reply to this, when we are already developing along those lines, with those theories advanced by such governmental authorities as this that I have quoted you, is it any wonder that Nearing, in reading it, expressed his opinions as any American having the good of his country at heart, of mankind at heart, would have expressed them, or at least laid them before his countrymen for their consideration. The same theory that the economic basis provided, he emphasizes. What is the difference? This: they are publishing one for commercializing, and the other article, let me recall to you, was insisting upon this policy so that there might be large dividends to munitions manufacturers, etc. Their publication went out as a

trade journal, to give information to those who were guarding the commerce of the country, those who understood and are prosecuting or sustaining the industrial institutions and welfare of the country.

As against that, his goes to another class: they went to the man on the street, to the man in the factory, or the elevator, to the average man who has as much right to have a full and complete knowledge of the facts presented to his mind as any other man has.

The distinction between the autocracy and the democracy is the fact that the man on the street has a right to all the facts necessary to judge, and after forming his judgment to attempt to cause changes in the opinion of those who are supposed to represent him.

We believe, at least in theory, that our purpose of having different parties is that a few men have not the right by a chance of an election, to arrogate to themselves the complete guiding of the destiny of the American people, that they being wholly informed and they having the facts and knowledge sufficient to know to what extent their country and its systems and policies are drafted—that is the common people's right. There can be no policy in a republican government that is definite or settled, if the average man representing the minority of the people of the country, has not the right to express his opinions based on all of these general facts which are common knowledge, and we claim that he has a right to urge his theories to convince if he can, the people to his way of thinking. The moment you strike down the right of those having theories to advance, to try to bring the majority of the people to their way of thinking, you strike down the right under the constitution of the minority to try to have their opinions adopted by the majority. The moment you destroy the privilege of a minority to

speak, whether it is a single individual or a party, you stop progress, and all chance of progress, and you simply ossify and become fixed in character and type. If they are not allowed to tell you what else they believe, and to meet the objections to the existing conditions, we would then have imperial America to all intents and purposes.

I say even to you now, that I doubt not, once we take the position, that if the system under which we live is to prevail, America must be imperialistic, that is indispensable and it must be so of necessity. There is no other existence possible in the direction in which she is leaning if her citizens do not have the opportunity of entering their objections, not only one or two, but what occur to them by way of advocating their theories. Because, in becoming imperialistic, you begin investing entirely in foreign lands and the time comes that the foreign fields of investment are exhausted. Then what happens? They have been deflecting your industry from the states, of Connecticut, of Kentucky, of Maine, Washington, Florida, or any other states of the Union, and the investments are made in foreign lands and when you make your investments outside of any country, that is outside of one's own country, there surely will come a time when those investments will proceed still farther, just as you start a current going from within, it keeps going and enlarging until it gets to the coast, and then it goes over the coast line, and then as it goes over the coast line ultimately you run down to where you can go no further, and in this case in your investments and exports. If you go outside of your own states, it follows that with the constant expansion, which is the only life under which the socialists contend the country can exist under what we speak of as the capitalistic system, the point comes when you can go no further. It is

there, where the Army and Navy League differ entirely from Nearing. Nearing is stating a solution, when you reach that point, and his is an attempt to point that out before we reach it, that it may not come to us unadvised.

I want to read a portion, a couple of paragraphs here, beginning with the third book in "Social Sanity," which was an attempt to show by that book:

"That changes were bound to occur, and that if we are wise and far-sighted, and if we understand what is coming, they can occur sanely and intelligently and constructively, but that if we are stupid and dogged, and refuse to see what is coming, the changes come, overtake and wreck our civilization."

That is not the language of a man who is reckless of the law, reckless of his responsibility, or who believes in chaos or discord. That is not the language of a man who is going out into the country counselling and persuading or trying to get half a dozen soldiers not to go into the army, not to go into the service themselves, not with that sort of language; nor is that the language of a man who is going around to try to induce a corporal to kill his captain or a private to kill his colonel. An idiotic proposition of that kind is almost impossible for you gentlemen or for me to think of, and think of this case seriously, for a moment. But if we use the ordinary logic and reasoning that we use in our ordinary affairs, you see how impossible it is for us to think so.

Suppose that a man should come in here and state, we will say into some railroad station or any other place, and state that when the train comes in he is going to stop the functioning of the government, he is going to overcome the present government by stopping the sale of postage stamps, and he is going to urge that on the people. Such a proposition as that,

such a suggestion as that would appeal to you as utterly absurd and impossible.

The same proposition might be applied to the stopping of men going into the police service or the secret service, and he might take the position that he was going in this way to overcome all the present forms of government, especially the one under which he is living. You gentlemen can see how absurd such a proposition as that would be.

Right here you come and take up this proposition, here a lone man, a lone individual, issues a pamphlet for the purpose, it is claimed, of stopping voluntary enlistments or recruiting in an army of five million men, with the public sentiment and the public press in thousands of papers large and small, and speakers in the cities and the towns, all of them whooping it up and declaring aloud the necessity for the war, and against that public sentiment, against that press, against all these periodicals, and against the stump speeches, and the counselling of these thousands of men, and against the private organizations that are in existence in many of the states for the purpose of rooting out pro-Germanism, etc., all over the country, throughout every state and city, this man alone, with the Rand School, publishes a couple of pamphlets for the purpose of effectively stopping enlistment in the army. I cannot conceive of anything more absurd. It is too bad that Mark Twain is not alive now, he is the man that really ought to defend a case of this kind.

"I tried to point out," says he "that the ruling class in society, the people in charge and in control of any society would do well to realize that progress is bound to be made, and do well to study the problems of progress and see that they were sane rather than the chaotic progress. Changes will come anyway, and

the question is whether they will come wisely or insanely."

What do you think of a man writing like that? And he writes like that before we are in our present situation, which is more or less serious. We all regret the present industrial situation both in the United States and in other countries. We live in a country where suggestions from men of ideas are the foundation of our government, and those ideas, whether lawful or unlawful, the expression of them you can never prevent except upon the theory of abolishing the government's own act in passing the First Amendment to the Constitution of the United States. You cannot suppress expression. The only thing you can do is drive it into subterranean methods. No country has ever succeeded except, perhaps, one, and that one existed in the thirteenth century where the persecution was so intense, that it practically destroyed their life, their national life, and at the same time those with religious views different from their own; and yet in the end, notwithstanding hundreds and hundreds were tortured, buried, killed, yet the movement continued on until we reached the point in the latter part of the eighteenth century or even in the seventeenth century, that real progress could only come from permitting men to discuss different subjects, especially those pertaining to the state.

And along with that, let me mention another thing: it may be suggested by counsel that the first amendment is not an absolute license to say what you wish or what you will. For instance, you cannot slander a man or a woman, if you do, you are amenable for that. That is not a parallel instance, nor a license for any such action.

If, for instance I call a man a thief, and people know of it, he is specifically injured by that. If I say "here

is a storekeeper selling or putting sand in sugar,' he is specifically injured by that, and he may sue me for it. If I say "this man is a leper," and he is shunned by society, he may prosecute me. You know how that is and see the difference between that and discussing an economic policy, yes, of course; because there is no special damage in discussing a general policy.

There may be the class damage. For instance, thousands of men have their money invested in breweries and distilleries throughout the United States. The prohibition law is passed by legislative enactment, and instantly that mass of property is destroyed or damaged greatly, and that man may receive compensation or those men may receive compensation, depending upon whether or not in the Court of Claims, the Government recognizes it, and that is the way those questions are tested, when millions and millions of dollars' worth of property are destroyed and wiped out. That is a class damage.

And men in business, they are buying and selling goods, and the raising or lowering of tariff, along with it the industry rises or falls; that is a class damage. That is not a damage to a person.

So the suggestion that it does not guarantee free expression may be true, but it does not apply to the question of discussing a governmental policy. And along with that proposition of the prohibition we have it tallying to some extent with the theories which are after all simply an analysis of events and conditions and prospective conditions—we have the theories advanced by the defendant.

A defendant can have any theory he wants, legally, and if he believes that he can secure a majority of the American people to agree with him, all well and good, then his theory prevails. But if they disagree with him, then we say he is not right, those who do not agree

with him. We only know of one way of advance and that is by getting the majority to agree with you. That is his trouble. If he gets them, then it is done that way, and in that way the majority of the people believe in that theory which is not his theory today; but the minority today fail to accept the theory of the majority and reserve to themselves the right to still convince the other people that they are wrong.

You cannot take away the right of the minority today without realizing that tomorrow you may need the minority. There is no chance that you will be in the majority a day hence or a month hence or a year hence, with the kaleidoscopic changes going on, no man knows when his so-called status in a religious sense or his ideas or his point of view may be attacked. They may be modified by great changes that are coming, and by important circumstances.

I mentioned the First Amendment to the Constitution quoted by the defendant not to antagonize the theory of the law, which no doubt the Court will give you, and when I say no doubt, of course no man can guess exactly what the Court will give the jury, no more than I can, counsel's argument, except with a measured degree, he may say that the First Amendment is not, and cannot be used by the defendant to excuse the commission of a crime. That is true.

In other words, if Scott Nearing says, "I am going to stop recruiting; I am going to obstruct the service; I am going to create insubordination; I am going to protect myself under the First Amendment to the Constitution"—if that was in his mind of course he could not use it; but if he believed in that, believed in it with the faith which Americans for a long time had in it, and were proud of it, and we were brought up to be proud of it in our schools, we then would go to the question as to whether or not he wilfully—it would

be an element in determining, whether he wilfully was violating a law with which he is charged with a violation of here. If he had full faith in the fact, that is if he thought that the interpretation of that gave him the right to express his belief, then it would go to that. In other words, to show that there was not a stubborn and reckless attempt to break the law which he has been charged with violating here.

In this case the minor act charged, the one that you are to determine really by your verdict, so far as the record is concerned, is limited; and the other one is quite broad; that is the one to the degree of tolerance which the American people propose now to show, and which they must show now or show not at all, — I mean by that, you cannot make one degree of law during war time and one during peace; and we will show in the other the degree to which the American people reverence traditions of their country, and revere the constitution.

I think, and I may say, to you gentlemen, that the history of this country can hardly be written without a list of the names of a few of my ancestors. I think that the tradition of this country on the conscription law was the most alarming thing that had taken place. What do we understand the word, tradition, to mean? It is the habit of thought. I still believe the ordinary man moves his body virtually by the development of personal habits. He has a way of looking when he is crossing the street. His feet move habitually, he has learned it after a struggle, a considerable struggle, when he was an infant; he has certain habits of dress and in doing work; and it follows a constant mental attitude which was a habit as of the people of this country for many, many years, that we would not send an expeditionary force to any other country; that European concerns were none of ours—

I don't say but what they may have been, but I am showing what the thought generally was; that we did not believe in standing armies and if an army were needed we would simply call upon the States, and let each State furnish its quota in such way as it might be able.

England resisted conscription for years, for a long time; Ireland resisted it, and England went about to enforce it, but it was never enforced upon them. Canada did not enforce conscription at all until after we did it. Australia not at all. We changed almost over night. Can you wonder that Lord Northcliffe said about the American people, when looking at them through a window of one of our buildings: "A most docile people, a most docile people."

And when a nation breaks its habits so easily, it indicates that there is a want in the measure of stability which we ordinarily expect in an individual who has fixed habits, and people who have kept true to these traditions, that is, that the privilege and the right of speaking should be protected completely under the law.

We need never fear one great and substantial principle and that is, say what you please, accept the law as the majority declare it; that is, that power must reside with a free and pure selection, with a full and complete opportunity for every voter and every person who should be a voter—and by that I include the women—the right to express their opinions, and when that law is made, you will accept and obey it, always carrying with that the right to oppose that, to change that, to remedy that, to modify or repeal it. With that we will have absolute and final safety to our course of progress and development, but the moment you strike that down, you can measure almost in years, the time when those who will have sown the wind will

reap the whirlwind, that is inevitable. Neither c- any body or group of men belong in the majority w attempt to hold up the rights of others and sti thought and growth of expressions of others. You ca not do that, gentlemen, you cannot do it in conscienc you cannot do it.

And still we have this question right here: this m here has expressed his honest, conscientious view a he is trying to carry out his theory of the econom purposes and programme; he is a member of a polit cal party which has millions and millions of men bo in the United States and other countries. As he d clared on the stand, they were in the army c Germany and France, Italy and England, the soldie there were socialists, and had declared their belief a such; the Italian socialists believed that war was th result of economic conflict, those in France the sam as those in Germany, as well as in other places, an they believed that the economic support of economi life of the nation was vital, and that economically yo can bring about changes.

It was absolutely after that kind of a declaration c their feelings that industry and social conditions tha existed there could be changed by such methods, tha with that in their minds they went into the army an the boys assumed, that is, those that went, that is th youthful and younger members in the United State assumed that they had a right to know the truth. I it to our credit, that we equipped an army, or raise an army by fancy fairy tales? Can we only depen on the safety of this country by assuming that it i quite proper to raise an army by half the facts and dis torted statements? If the facts were on the side c those in opposition to Nearing, what have we to fear How many newspapers were denied the right to freel print the facts? How many newspapers in Buffalc

Chicago, San Francisco, New Orleans, St. Paul—hundreds of them. How many magazines continuously run off by the ream from the press, from the "Saturday Post" to the "New Republic," one paper after another, one magazine after another. The churches, the speakers, the Congressmen, Senators, the President, if they were right, don't you think they could tolerate one man who was wrong? And if the one man is right don't you think it is quite right that the majority should begin to realize that they are wrong?

During the War of the Rebellion, the newspapers criticised Abraham Lincoln, and there was talk, and attempts made to take steps to suppress them—and by the way only one or two editions of one or two papers were suppressed—and he said "No, if they are right, their opinions should prevail against mine, and those associated with me; if they are wrong, then in the course of time they will be discovered by the people and it will do no harm." That is a safe principle upon which to proceed.

Our country was not invaded, it was not in such a grave difficulty as to warrant the arrest or indicting of Scott Nearing in a case of this kind for the issuing of a pamphlet of this kind of forty-four pages, and its publication by the Rand School. A man with a wife and with a couple of young children, four and six years of age, is taking no chance, is not proposing to enter the penitentiary and leave their happiness and their home, he is not walking away from his fireside, he is not walking away from his friends and leaving his family surroundings and his friends and his associates and writing a pamphlet committing an offense of this kind, if it was an offense, as I stated before, if he intended to do a thing like that he would have done it directly and openly and it would have really resulted in something, the actual commission of something,

and there would have something actually resulted therefrom, it would not have simply then been regarded as a readable instrument.

The reasonable doubts that you are supposed and required to have eliminated from your mind before finding a verdict of guilty are not presumptions alone of law, but they are human presumptions. They have a deeper basis than merely legal form,—humanity. It is only by thinking of all of the facts surrounding a given circumstance, a man does certain things, we think of his family, his friends and society in arriving at this question of presumption. It is by that that we can measure their movements.

This is a case prosecuted in the name of the Government. I realize that oftentimes when a prosecution is made in the name of the Government, we are very apt to think by reason of that fact that it leans, or that the line draws slightly to the side of the Government—not at all.

The millions and millions of people in the United States, and the hundreds of thousands of soldiers in the United States, are not after Scott Nearing for telling the truth in a pamphlet, they are not asking his imprisonment in the penitentiary; and counsel in his opening intimated that the punishment was for the Court, that it might be from one day up to ten years, with a fine of from one cent up to ten thousand dollars; but I tell you, and you know it for yourselves, that upon a finding of guilty for this offense, it does not mean an insignificant penalty at all. The penalty will be measured by the gravity of the offense which your verdict determines. Your verdict is not on an insignificant proposition. It is determining whether during a war these two parties, the school with its four thousand pupils and its influence, its teachers, and Scott Nearing with his friends and those with whom

he is acquainted, whether they were engaged in committing a crime against the country by trying to destroy the effectiveness of the internal management of its army. Can you think of any greater crime in war time than for men to try to induce privates to rebel against their superiors? Cannot you see that that would merit a severe punishment? Cannot you see? Can you see anything more severe than such a situation, if you were raising an army, than to have someone go among them and stop them when the country is trying to raise them, and try to obstruct those efforts? The charge is grave, and the punishment will be commensurate with that.

Assuming a logical application of punishment in view of the charge which is made—and I recall this to your mind because counsel brought it out, otherwise I would have said nothing about it because it is not within the purview of an attorney to comment on the punishment, as that is exclusively for the Court. The grave consequences, though, of verdicts, is that which would stimulate in the mind of a juryman always to be alert to the necessity of keeping the presumption of reasonable doubt alive and, gentlemen, you are now in a position in this case to decide as between the Government on the one hand and these defendants on the other.

When counsel for the Government says it is of grave concern to the Government, I join and say, sure it is, yes, but I want to say that I would not expect and I do not expect a verdict that is not warranted by what has been presented to you, and I think that is well stated, that it should raise a certain hesitancy in your mind, on these facts that have been presented to you here.

We are fighting under the theory that we want the truth; that we are entitled to the entire truth, when

we make up our conclusions, and not that we sl
be fed on half truths, and when we get an opinion
what we have been able to ascertain as the trutl
want the opportunity to express those opinions f
that others may possibly see our view. We war
information from all sources and to that we ar
titled. The people are entitled to change their
ment, for a judgment based on error and only
the truth will never be a good judgment. We ask
you say to the people of the United States by
verdict in this case that its citizens have the rig
have the facts fully told, and to also vindicate the
of the people to state their theoretical conclusion
their ideas and their views and also that they s
not be imprisoned because of conscientiously and
estly stating them, and because there may be
speculation about someone having committe
offense by a wrongful use of a phrase here and
You cannot stake the liberty of a nation, which
liberty of the press and the right to speak on pos
ities and the chance of someone being led astra
the publication of a pamphlet or a leaflet or sp
Take no such chance with it, gentlemen, and if
is any leaning to be done, take no chance upon it
your chances upon the side of the freest possib
pression of it, because only in that way can we b
that a man will not be carrying around harbor
his heart vicious dislike towards the constituti
to the form of the government under which he
and that government will command the man's re
which gives the greatest opportunity for praise
blame, and no government, no country is entitl
compliment if it does not rise to meet the light o
sure or criticism.

The Verdict

At the close of the trial and before the case was submitted to the jury, the Court (Judge Julius M. Mayer) upon motion of the attorneys for the defendants, dismissed the first and second counts of the indictment, holding that there had not been sufficient evidence adduced to prove a conspiracy between the defendants. The court submitted the case to the jury on the third and fourth counts. The jury found Scott Nearing not guilty and the American Socialist Society guilty on the third and fourth counts. After the verdict had been rendered the defendants' attorneys' motion to set aside the verdict against the Society was granted as to the third count and decision was reserved by the Court upon the motion to set aside the verdict against the Society as to the fourth count. Briefs were submitted on the motion and the Court later denied the motion, at the same time writing an opinion. Upon the day set for sentence, March 21st, 1919, the Court imposed a fine of three thousand dollars against the Society. The maximum fine provided by the Espionage Law is ten thousand dollars. The Court allowed the attorneys for the Society until April 14th, 1919, to submit a writ of error which the Court stated it would allow, such a writ of error being a necessary part of the procedure connected with an appeal either to the United States Circuit Court of Appeals or to the United States Supreme Court. The Court granted a stay of execution on the fine until April 14, 1919, without requiring the Society to file any security.

The Rand School of Social Science

Located in

THE PEOPLE'S HOUSE

7 East 15th Street, New York City

The Training School of the Workers of America

Algernon Lee—Educational Director

TRAINING CLASSES (102)
LOCAL EVENING COURSES (103)
CORRESPONDENCE DEPARTMENT (104)
SUMMER SCHOOL (105)

Send for descriptive circulars by numbers given above, to **Mrs. Bertha H. Mailly, Executive Secretary, 7 East 15th Street, New York City.**

"I would found an institution for the teaching of the Social Sciences from the standpoint of Socialism."

—CARRIE A. RAND

Founder of The Rand School of Social Science.

"Merely fighting the capitalist system should not be our aim. What is of far more consequence is that we educate the masses of workers. It is the power of knowledge that will triumph over the dark forces. If we can teach the truth to the people, they will free themselves." —ELIZABETH BAER.

The Rand School of Social Science

7 EAST 15th STREET

New York City

Offers the Following Courses
by Correspondence

1. **Elements of Socialism**.....By Anna A. Maley
2. **Social History**.....By Algernon Lee
3. **Socialist Economics**.....By Algernon Lee
4. **The Labor Movement,**
   By Morris Hillquit and Others
5. **The Human Element in Economics,**
   By Scott Nearing
6. **The Fundamentals of Socialism,**
   David P. Berenberg

FEES LOW

Ask for Descriptive Circular 104

Address

DAVID P. BERENBERG

Director of Correspondence Department

***7* East 15th Street, New York City**

American Labor Year Book

1917-1918

A volume of 384 pages of written and tabular matter ndispensable to every student of the Socialist and .abor movements.

Edited by

ALEXANDER TRACHTENBERG

Director, Department of Labor Research

Rand School of Social Science

A comprehensive survey of the progress of the Socialist and Labor movements in the United States and broad and a compilation of facts concerning political, ocial and economic conditions.

Among the contributors are the following:

Professor Scott Nearing, Florence Kelley, Morris Hillquit, **William Green,** Secretary, United Mine Workers' of America, **Mayor D. Hoan of Milwaukee, Professor George G. Groat, W. S. Carter,** President, Brotherhood Locomotive Firemen and Enginemen, **Basil M. Manly, Ph. Snowden, M. P., Dr. I. M. Rubinow, Dr. Helen L. Sumner, Fred Hewitt,** Int. Machinists' Union, **Prof. W. F. Ogburn, Dr. G. M. Price.**

Order Now—Edition Is Limited

ingle copies.....Paper-bound, 60 cents; Cloth, $1.25
oth 1916 and 1917-18 issues.....Paper-bound, 1.00
Cloth bound, 2.00

Special prices in large quantities

Order from

RAND BOOK STORE

7 EAST 15th STREET

New York

PUBLICATIONS

OF

THE RAND SCHOOL OF SOCIAL SCIENCE

Communist Manifesto	Marx and Engels	1
American Labor Year Book, (Edited by Trachtenberg) Paper, 60c. Cloth,		$1
Socialism Summed Up	Hillquit	1
Work and Pay	Nearing	1
The Coal Question	Nearing	1
Woman of the Future	Lilienthal	
Debs' Decision	Nearing	1
From Fireside to Factory	Lilienthal	1
American Socialists and the War, (Edited by Trachtenberg)		1
Must We Arm (Debate—Hillquit-Gardner)		1
Public Ownership Throughout the World,	Laidler	1
Food and the People	Waldman	1
Socialists in the Board of Aldermen (N. Y.),	Clark and Solomon	1
Socialists in the New York Assembly,	Claessens and Feigenbaum	2
Socialism	Berenberg	1
Bolsheviks and Soviets	Williams	1

Address All Communications Concerning Books to

RAND BOOK STORE

7 East 15th Street, New York City

THE RAND BOOK STORE

THE RAND BOOK STORE is located on the ground floor of the People's House, and its collection of Socialist and radical books and magazines cannot be excelled anywhere in America.

Started originally to cater to the needs of the students of The Rand School of Social Science, it has developed to the point where it serves a large number of Socialists, radicals and labor men and women in America.

All books that are part of progressive thought are sure to be found on the shelves of **THE RAND BOOK STORE.**

SPECIAL LIBRARIES

One of the important features of **THE RAND BOOK STORE** is the selection of libraries on special topics to meet the demands from all over the country for recommended reading. **The Rand Book Store** has enlisted some of the leading scholars to prepare lists on such subjects as Socialism, Labor, American History, European History, Economics, Sociology, Philosophy, Science, Education, etc.

SUBSCRIPTIONS

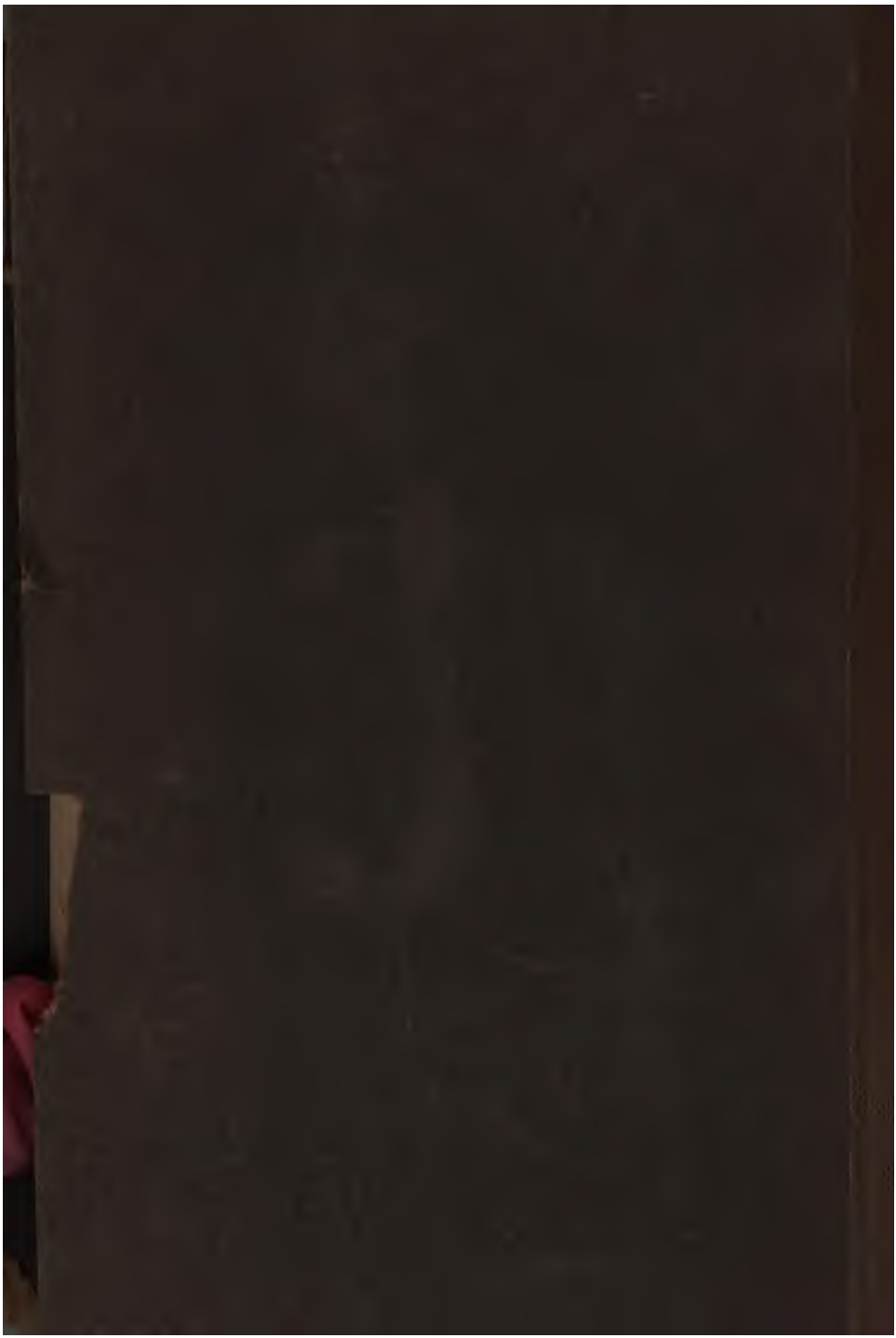
THE RAND BOOK STORE will be glad to take subscriptions for all magazines and newspapers published in the United States and Europe, and assures prompt service.

INCOME DEVOTED TO EDUCATION

The patrons of **THE RAND BOOK STORE** give substantial support to radical education since all the profit is turned over to The Rand School of Social Science, the only Socialist Training School for the working class in America.

3 6105 020 06[illegible]

STANFORD UNIVERSITY LIBRARIES
STANFORD AUXILIARY LIBRARY
STANFORD, CALIFORNIA 94305-6004
(415) 723-9201
All books may be recalled after 7 days

DATE DUE

28D MAY 05 1998